

Village of Ruidoso Personnel Manual



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ARTICLE 1

GENERAL

- 1-1 Purpose
- 1-2 Chain of Command
- 1-3 Non-Discrimination in Employment
- 1-4 Definitions

1-1 PURPOSE:

The following policies are enacted by the Village of Ruidoso for those employees not covered by collective bargaining in order to further the following goals:

- A. To provide a uniform system of personnel administration throughout the Village service.
- B. To ensure that recruitment, selection, placement, promotion, retention, and separation of Village employees are based on employees' suitability and are in compliance with Federal and State laws.
- C. To assist management in personnel practices and procedures and to assure effective consistent use of human resources throughout the Village.
- D. To promote communication between directors, supervisors, and employees.

In the event of the amendment of any ordinance, rule, law, or policy incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes. Also, the Village specifically reserves the right to repeal, modify, or amend these policies at any time. None of these provisions shall be deemed to create a vested contractual right in any employee nor to limit the power of the Village to repeal or modify these policies. The policies are not to be interpreted as promises of specific treatment.

1-2 CHAIN OF COMMAND:

The Village Manager, who serves as the Chief Administrative Officer of the Village Government, is subject to direction by the Mayor, who is the Chief Executive Officer of the Village. The Department Directors work for the Village Manager. Each Department Director keeps a current copy of the department's individual organizational chart showing the chain of command in that department. Each Department Director will supply the employees in his/her department with a current, updated as needed, copy of the department's organizational chart. The Department Director is also responsible for supplying the Human Resource Department with a current organizational chart of the department as changes are

made in the department.

1-3 NON DISCRIMINATION IN EMPLOYMENT:

It is the policy of the Village of Ruidoso that non discrimination shall govern in all personnel policies and practices and shall include, but not be limited to:

- A. Recruitment, hiring, and promotion of any qualified person on the basis of merit without regard to race, religion, creed, color, ancestry, or national origin and without regard to age, sex, or physical or mental disability except where such is a bonafide occupational barrier.
- B. Personnel actions shall be carried out without regard to race, religion, creed, color, ancestry or national origin, and without regard to age, sex, or physical or mental disability except where such is a bonafide occupational barrier.

1-4 DEFINITIONS:

Definitions of some of the wording used in this manual:

Adverse Action- Suspension without pay, demotion, dismissal.

Classified Employee- Non-probationary employee in a regular position. A classified employee is normally a full time employee but the Village of Ruidoso may have a part time, twenty to thirty two hours per week position that may be filled with a classified employee.

Department Director- An exempt employee who has the responsibility of directing one or more Village departments. The directors are, Airport Director, Convention Center Director, Finance Director, Fire Chief, Human Resource Director, Library Director, Parks & Recreation Director, Planning Director, Police Chief, Solid Waste Director, Street Director, Water/Wastewater Director, Wastewater Treatment Plant Director. In this manual when it says Department Director, it means Department Director or his/her designee.

Dismissal- Involuntary Termination

Evaluations- Also called performance evaluations. Types of evaluations are annual, quarterly probation, monthly for police promotions, trial period, disciplinary evaluation.

Exempt Position- Position that is not covered by the Fair Labor Standards Act. Throughout this manual, exempt employee status will be pursuant to the FLSA (e.g. suspension - can only suspend for safety violations).

Fair Labor Standards Act or FLSA- This is a federal law that sets such things as the minimum wage and overtime pay. Some positions are eligible for such things as overtime

and some positions are not eligible for such things as overtime regardless of the number of hours worked each work week.

Fire- When Fire is used in this manual to describe the department, employees, or positions, it means Firefighter, Firefighter II, Fire Lieutenant, and Fire Captain.

Job Description- written guidelines and description of a position which includes the title, a general statement of duties and responsibilities, examples of typical duties performed, a statement of qualification requirements, and a general definition of working conditions.

Manager- Village Manager. In this manual, when it says Manager it means Village Manager or his/her designee.

Non-Exempt Position- A position covered by the Fair Labor Standards Act.

Pre-Determination Meeting - Also known as a pre-suspension meeting, pre-demotion meeting, or pre-termination meeting.

Post Determination Hearing - Also known as a post-suspension hearing, post-demotion hearing, and post-termination hearing.

Regular Position- A part time or full time position that is historically a recurring budgeted position filled by a probationary or non-probationary employee only.

Salary Range - Each position is placed in a range with a minimum and maximum salary. The position is placed in the range based on the job description, job duties, and responsibilities.

Unclassified Employee- Probationary, Temporary, Emergency, Provisional, student, and Limited as needed employee.

ARTICLE 2

RECRUITMENT, SELECTION AND APPOINTMENT

- 2-1 Classification of Employees
- 2-2 Position Vacancy
- 2-3 Recruitment
- 2-4 Employment Applications
- 2-5 Education Qualifications
- 2-6 Examinations
- 2-7 References
- 2-8 Disqualification of Applicants
- 2-9 Evaluation & Referral of Candidates
- 2-10 Selection of Candidates
- 2-11 Processing the Appointment
- 2-12 Employment of Relative
- 2-13 Employment Date
- 2-14 Probationary and Trial Period
- 2-15 Bridging

2-1 CLASSIFICATION OF EMPLOYEES:

Employees are classified according to the Following definitions:

- A. Unclassified employees are at will employees who are employed at the convenience of the Village of Ruidoso and may be demoted or terminated by the Manager, at any time, without cause, and without the right to a hearing and shall include:
 - 1. Probationary employee: an employee placed in a regular position or an appointed position, excluding the Manager position, who has not completed the initial probationary period or a bridging employee. This employee is eligible for limited benefits according to this policy.
 - 2. Temporary employee: an employee hired to fill a temporary position for a limited period of time such as a day, week, month, a season, or a period of time not to exceed the time frame as defined in the PERA rules. A temporary cannot be hired within three months after the most recent termination. Temporary positions are **not** eligible for benefits in this policy such as but not limited to vacation, sick, holiday pay, group insurance, longevity, etc.
 - 3. Emergency employee: A temporary employee hired in order to contain or prevent loss and/or inconvenience to the public. Emergency employees are hired for no longer than the duration of the emergency. Temporary positions are **not** eligible for benefits in this policy such as but not limited to vacation,

sick, holiday pay, group insurance, longevity, etc.

4. Provisional Employee: An individual outside the employment of the Village of Ruidoso appointed by the Manager to a position for an interim period pending the recruitment, selection, and placement of a regular employee. This is a temporary position and is **not** eligible for benefits in this policy such as but not limited to vacation, sick, holiday pay, group insurance, longevity, etc.
 5. Student Employee: An employee who, during at least eight months in any calendar year, or during the period of employment, is enrolled at an educational institution whose academic credits would be accepted by a state educational institution or a public school district and carrying at least 12 credit hours. Any employee considered as a regular full time employee is not a “student” employee for purposes of this section. Although a student employee is considered a temporary employee, the student employee may work on a continuing basis year round. The student employee may be placed on an inactive list for periods of time and may be called back to work as needed without the Village having to go through a re-hiring process. Temporary positions are **not** eligible for benefits in this policy such as but not limited to vacation, sick, holiday pay, group insurance, longevity, etc.
 6. Limited as needed Employee: Although a limited as needed employee is considered a temporary employee, the employee may work year round but only called as needed. The employee may be placed on an inactive list for periods of time and may be called back to work as needed without the Village having to go through a re-hiring process. An example of this is a show hand at the Convention Center. This position is only needed when there are events that may call for more help than usual, may not work for weeks at a time, and rarely works more than a couple of days in a row. Temporary positions are **not** eligible for benefits in this policy such as but not limited to vacation, sick, holiday pay, group insurance, longevity, etc.
- B. Classified employees are employees or appointed employees, not including the Manager position, who work in a regular position, have completed the probationary period, whose employment may only be terminated for cause, layoff, or abolishment of position.

2-2 POSITION VACANCY:

In order for a position to be vacated, the Human Resource Department must be in receipt of one of the following:

1. notice of termination

2. letter of resignation, filled out by the employee resigning, or
3. if the resigning employee does not submit a written resignation, then a letter of resignation submitted by the Department Director.

When the vacancy is to be filled, the Department Director shall submit to the Human Resource Department a "Request to Fill a vacancy" form.

2-3 RECRUITMENT:

- A. At the discretion of the Department Director who's department has the vacancy, the position may be posted:
 1. within the department first. All departmental employees who submit an application on time shall be interviewed as long as the employee has the proper certification(s) and/or license(s), or
 2. within all the Village departments. All Village employees who submit an application on time shall be interviewed as long as the employee has the proper certification(s) and/or license(s), or
 3. externally.
- B. In cases where applicants have been solicited through external posting and a Village employee submits an application, the employee will be afforded an interview without going through the rating process as long as the employee has the proper certifications and/or licenses, needed for the position.

2-4 EMPLOYMENT APPLICATIONS:

- A. Applications for employment with the Village shall be submitted on standard forms approved by the Human Resource Director. Resumes are expected in addition to the standard application form for certain positions. If applicable, copies of certificates, diplomas, licenses, transcripts, or other required credentials shall be submitted with the application form.
- B. For all positions except Patrol Officer, completed applications will only be accepted for vacancies that have been published.
- C. Patrol Officer applications may be accepted by the Ruidoso Police Department at any time with or without a published vacancy.
- D. For each job opening, the list of rated applicants will be kept by the Human Resource Department for 120 days from the day the chosen applicant begins work with the

Village. This list may be used as a source of new hiring for the same type position. Should the new-hire not work out or should an additional vacancy occur for the same type position, there will be no need for re-posting and re-interviewing for a period of 120 days. The Department Director or designee will be able to choose from this list. However, the Department Director is not obligated to use this list and may choose to solicit new applications.

2-5 EDUCATION QUALIFICATIONS:

Unless provided otherwise in the job description, when a position, according to the job description, requires a college degree, the Village of Ruidoso may allow two years of directly related experience to be substituted for one year of college.

2-6 EXAMINATIONS:

All applicants for positions in the Village's service may be subject to competitive examination. Examinations shall be confined to those matters which test the candidate's ability for the position and which are directly job related.

2-7 REFERENCES:

The Department Director shall determine the extent to which employment and personal references and other information provided by the applicant shall be verified. Applicants shall be advised on the application form that they are subject to such reference checks. All such inquiries, whether made by person, telephone, or written contact, shall be documented. All responses which constitute personal references or statements which are a matter of opinion shall be held as confidential and shall not be open to public inspection.

2-8 DISQUALIFICATION OF APPLICANTS:

Disqualification from further consideration may occur if the applicant:

- A. lacks the minimum qualifications
- B. is below the legal minimum age for employment in the position applied for
- C. does not complete the application
- D. has falsified information on the application
- E. fails to qualify on examination; or
- F. resigned from previous Village employment in poor standing, was dismissed from duty, or did not give a two week notice before termination.

2-9 EVALUATION AND REFERRAL OF CANDIDATES:

All candidates for a vacant position shall be evaluated against the same requirements. The requirements shall be taken from the posted job description. Posted position vacancies are divided into categories as listed below:

- A. Internally posted positions: As long as the employee has proper certification, license, the employee shall be afforded an interview.
- B. Externally posted positions: shall be rated by a rating committee. The rating committee shall be made up of:
 - 1. One employee from the Human Resource Department.
 - 2. Two raters: One rater shall be an employee chosen at large and one rater will be an employee from the department that requested the position.
 - 3. Any employee serving as a rater shall not be the employee who will be conducting the interview.
 - 4. Approximately five candidates (the rating committee or Human Resource Department determines the number of applicants to be referred to the interviewer) ranking highest in the rating will be referred to the interviewer in the respective department for consideration;
- C. The Police Officer position shall be rated by background investigation performed by the Ruidoso Police Department.
- D. Summer/Temporary and other difficult to fill positions: Historically, some positions are difficult to fill and/or keep filled. In this case, the Village of Ruidoso may open the acceptance of applications for an indefinite period of time. These positions shall be filled as needed. Applications shall be submitted to the Human Resource Department. The Human Resource Department shall then send the finalist applications to the proper department as long as the applicants have the proper certification and/or license. This shall be done in lieu of a rating committee.
- E. Top Management positions: Department Director, or any other positions deemed top management by the Manager may by-pass the above stated employment process and be hired in a way regarded as suitable by the Manager.
- F. Other positions: Village Manager position shall be hired as directed by the Council.

2-10 SELECTION OF CANDIDATES:

Upon completion of the personal interviews, the interviewer will complete the Personnel Action Notice and return it to the Human Resource Department indicating the candidate(s) recommended to fill the position(s). No candidate shall be notified by the department. After the Personnel Action Notice has been submitted by the Department Director and signed by the Manager, the Human Resource Department will notify the selected candidate.

In the event that no candidate is deemed suitable for the position, the Department Director may request in writing that recruitment be continued and/or additional candidates be referred for interviews.

2-11 PROCESSING THE APPOINTMENT:

Upon notification and approval of selection, the Human Resource Department will process the selected candidate's papers. The Human Resource Department will notify the selected candidate and offer the position contingent upon passing a physical, drug screen, and background check. The Human Resource Department will schedule the employee for a physical and drug screen. The physical examination shall be conducted by a Village appointed physician at the expense of the Village. Special arrangements will be made for candidates from out of town through the Human Resource Department.

2-12 EMPLOYMENT OF RELATIVE:

- A. It is the policy of the Village to avoid the practice or appearance of nepotism in employment. In carrying out this policy, the following rules shall apply without exception.
 - 1. No person shall be hired in any capacity if related to the Mayor or Councillors.
 - 2. No person shall be hired, promoted, or transferred to a position which is under the supervision of an immediate relative.
- B. For purposes of this section, relative is defined as spouse, child, parent, sibling, grandparent, grandchild, in-law, and first degree aunt, uncle, cousin. This shall apply to persons related by blood or marriage and step family.

2-13 EMPLOYMENT DATE:

The employment date of a regular employee shall be the date that the employee first reports to work. If a temporary employee becomes a probationary employee, then the employment date is the date that the employee is placed on probationary status.

2-14 PROBATIONARY and TRIAL PERIOD:

A. Probationary Period:

1. Every employee who fills a regular position shall serve an initial probationary period of 12 complete calendar months (three complete months for a bridging employee). However, see item # 4 below.
2. Vacation benefits will accumulate during the probationary period, but the employee will not be eligible to take vacation until after the probationary period has been completed and the employee attains classified status. Should the employee leave before becoming a classified employee, for any reason including dismissal or lay off, he/she will not be paid for accumulated vacation time. Other employee benefits such as sick leave, holidays, and insurance may be utilized during the probationary period.

The probationary period shall be an integral part of the evaluation process and shall be utilized for closely observing the employee's work. Successful completion of probation is the final hurdle in the selection process.

If circumstances arise where the probationary employee is off work for longer than two weeks, the probationary period will be extended for the length of time the employee was off. An example of this circumstance is a probationary employee is injured on the job and is off work for three weeks, the probationary period will extend three weeks beyond the normal 12 months.

3. When a probationary employee is promoted, or demoted, the employee shall continue to serve the initial 12 months probation and/or if appropriate, the trial period, whichever is longer.
4. When a probationary employee chooses to take a lateral transfer, the employee's initial 12 months probation shall start over beginning with the new position. Vacation eligibility and any other classified employee benefits shall not begin until the probationary period has been fulfilled. The probationary employee shall not be considered classified until the successful completion of the most recent initial probationary period.

B. Trial Period:

1. Shall be for promoted, transferred, or demoted non-probationary employees and for non-probationary part time employees filling regular full time positions. The trial periods shall be for a period of three months. During the trial period, an employee shall be evaluated monthly.
2. If the employee's performance in the position is judged satisfactory, then the

employee becomes a classified employee in that position.

3. If circumstances arise where the employee on a trial period is off work for longer than two weeks, the trial period will be extended for the length of time the employee was off. An example of this circumstance is when an employee is injured on the job and is off work for three weeks, the trial period will extend three weeks beyond the normal three months.
4. At the discretion of the Department Director, If, the employee is not working up to an acceptable level, the employee may
 - 1) be placed on an extended trial period.
 - 2) or may be transferred back to the position immediately prior to the promotion or transfer if that position is being filled by a probationary employee.
 - 3) or the employee may be terminated if the prior position is filled by a non probationary employee.

Under all circumstances, reasonable effort will be made to determine if the employee can be successful in the new position before steps to terminate proceed.

5. In the case of demotion, if it is established during the trial period that the employee is not capable of performing the requirements of the position, the employee may be subject to termination.

- C. Promotion within the Police Department, for certain positions, shall be handled according to the Police Promotional Policy.

2-15 BRIDGING:

- A. Bridging is an Ex-Village employee who is rehired in a regular position, under the following criteria:
 1. The employee was a non-probationary employee and
 2. terminated with the Village of Ruidoso under favorable terms, and
 3. is rehired within three months from date of last termination.
- B. If item A is met, the employee shall only be required to complete a three month probationary period instead of the usual 12 month.
- C. After satisfactorily completing the shortened probationary period, a bridging employee, shall receive any previous sick leave balance that was left at the time of termination, and shall accrue vacation at the same rate of the previous employment accrual at time of termination.

D. The date of hire shall be the most recent hire date.

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ARTICLE 3

PRINCIPLES AND DIRECTIVES

- 3-1 Public Employment as a Public Trust
- 3-2 Code of Conduct
- 3-3 Other Employment
- 3-4 Harassment
- 3-5 Political Participation
- 3-6 Employee Permanent Record
- 3-7 Performance Evaluation
- 3-8 Attendance
- 3-9 Relief Periods
- 3-10 Meal Time
- 3-11 Public Announcements
- 3-12 Bulletin Boards
- 3-13 Telephone Courtesy
- 3-14 Travel Expenses
- 3-15 Dress and Appearance
- 3-16 Village Vehicle Usage
- 3-17 Safety Requirements
- 3-18 Employee Complaint Process
- 3-19 Group Insurance
- 3-20 Public Employees Retirement Association (PERA)

3-1 PUBLIC EMPLOYMENT AS A PUBLIC TRUST:

In performing the duties and in the many contacts with the public, a Village employee should be continually aware that the impression of Village government which the public forms is based upon the employee's manner, appearance, speech, and conduct. Consequently, Village government is dependent upon standards of reliability, integrity, industriousness, helpfulness, courtesy, efficiency, patience, grooming, dress, and language which are appropriate to the work situation and acceptable to the majority of the community. A public employee away from the job shall exercise the same rights as any other private citizen insofar as they do not interfere with the performance on the job or undermine public confidence in that employee or other Village employees.

3-2 CODE OF CONDUCT:

The Village of Ruidoso has a Manager's policy on Code of Conduct. A copy of the policy is on file in Human Resource Department.

3-3 OTHER EMPLOYMENT:

Employment with the Village shall be considered the primary employment of all employees in regular full time positions. Other employment is subject to the approval of the Department Director. An employee shall request written approval by the Department Director. The Department Director shall be responsible for determining if a conflict does or may exist with the Village employment. A copy of the approval or denial shall be kept on file in the Human Resource Department. Changes in outside employment or services must also be reported and approved or disapproved as they occur.

3-4 HARASSMENT:

The Village of Ruidoso shall not tolerate sexual harassment or other forms of harassment. A copy of the Village of Ruidoso's Harassment policy is on file in the Human Resource Department. Each Department shall also be issued a copy of the policy.

3-5 POLITICAL PARTICIPATION:

No Village employee shall campaign, distribute literature or solicit political contributions while on the job. No Village employee shall prohibit or inhibit the right of another employee to have and express a personal choice or commitment. No Village employee shall ever be expected, required, or coerced to contribute to any campaign. No Village employee shall represent or allow self to be inferred as representing the Village at any political meeting or in political activity.

A Village employee shall not campaign during working hours. An employee elected to a post may not retain his Village employment after election if the elective post is incompatible with his Village employment. Compatibility will be determined by the Manager.

3-6 EMPLOYEE PERMANENT RECORD:

- A. The Human Resource Director is the official custodian of all employee personnel records.
- B. Each Village employee may examine his/her own permanent personnel record at any reasonable time during established office hours in the Human Resource Department. Employees must notify the Personnel Department of any change of address, phone number, update beneficiary, or dependent information changes as they occur. Any additional skills and training which the employee has acquired since employment needs to be submitted to the Human Resource Director.

Documents contained in the Permanent Personnel Record may include but are not limited to:

1. Employee's application for employment;

2. Letters of reference or evaluation;
 3. PERA documents;
 4. Personnel Action Forms;
 5. Performance evaluations;
 6. Commendations, certificates and awards;
 7. Records relating to disciplinary action;
- C. Access to Personnel Files: Access to personnel records is restricted to the following persons:
1. The employee;
 2. Human Resource Director and the Human Resource Department staff
 3. The Village Manager
 4. With the approval of the Manager, The Village Attorney
 5. Department Director with a "need to know." A Department Director may review information from the employee's personnel file under supervision of the Human Resource Department staff.

Certain information contained in an employee's file is confidential and will not be released to anyone without the notarized written consent of the employee or through appropriate legal process. Personnel Records are privileged documents and may not be removed from the Human Resource Department without the approval of the Human Resource Director. (See "Inspection of Public Records Act" Sections 14-2-1 to 14-2-3, NMSA 1978 Compilation.

- D. Request for Information from Personnel Files: Requests by outside agencies or individuals for information contained in an employee's Personnel Record will be handled by the Human Resource Director. Only information that is required by law to be revealed may be given out. Information other than employment verification (position held, hire date and termination date) must be requested in writing to the Human Resource Department. The Human Resource Department will take reasonable measures to insure the confidentiality of the employee's Personnel Record. (See "Inspection of Public Records Act" Sections 14-2-1 to 14-2-3, NMSA 1978 Compilation).

- E. Departmental Personnel Records: All information contained in departmental personnel records is unofficial. However departmental personnel records are confidential and access must be limited as described in this section.
- F. The Manager may choose to approve items before being placed in the Personnel file.
- G. Pre Employment information is not considered part of a personnel file.

3-7 PERFORMANCE EVALUATION:

- A. Employees shall receive performance evaluations as provided herein. The performance evaluation form will be used as a guide for the employee's immediate supervisor to review progress periodically and hold an interview with the employee. At this interview, the employee's strengths and weaknesses shall be discussed, as viewed by the supervisor; at this time, suggestions for improved performance, determination for training needs, help with goal setting, recognition of praiseworthy work, and other employee topics should be discussed with the employee.
- B. Evaluation Schedule:
 - 1. Probationary employees shall be evaluated on a quarterly basis.
 - 2. During the trial period employees shall be evaluated monthly.
 - 3. Bridging employees shall be evaluated monthly.
 - 4. Classified employees shall be evaluated annually, using the anniversary date of the employee's regular appointment.
 - 5. Any employee may be evaluated at other times, when deemed necessary by supervisor or management.
- C. Procedures:
 - 1. The rater shall fill out the employee evaluation. The evaluation is then forwarded to the reviewer. If the Supervisor is the rater, the Department Director is the reviewer. If the Department Director is the rater, the Manager is the reviewer. After the evaluation has been approved by the reviewer, the rater shall then make arrangements with the employee to discuss the evaluation.
 - 2. The evaluation form will be distributed as follows:

One copy to employee

One copy to the Department Director
One copy to the Human Resource Department for the employee's permanent file.

3. The employee's signature on the form does not signify that the employee agrees with the performance evaluation; it merely indicates that the supervisor has met with the employee and discussed the performance and subsequent performance evaluation. If an employee disagrees with the evaluation, the employee may write a rebuttal within 5 working days, which will be placed in the employee's personnel file.

3-8 ATTENDANCE:

Employees shall arrive promptly and be prepared to work at the scheduled time and place. When conditions prevent prompt arrival, the employee shall notify the immediate supervisor as soon as possible, giving the reasons for the failure to report on time and estimating, whenever possible, when he/she will be able to return to duty. See Article 5 for information on leaves.

3-9 RELIEF PERIODS:

Each employee is granted relief periods up to 15 minutes every four hours. These relief periods may be taken in shorter increments but may not exceed 15 minutes at a time. Relief time shall be taken only after having been on the job for a minimum of two hours and shall be scheduled by the Department Director. Relief time cannot be accumulated for other purposes such as vacation, compensatory time off, or as a means of leaving the job early, except when this would be in the best interest of the Village and the employee(s) and when approved by the Department Director. Abuse of relief time is grounds for disciplinary action. Relief period policy for the Police Department is contained in the Police Department guidelines.

3-10 MEAL TIME:

A Village employee shall be entitled to time off to eat during each work shift, to be scheduled by the Department Director. Meal breaks are normally one hour, except for departments with established thirty minute meal breaks. Such meal time shall be unpaid time. However, occasionally circumstances may require the employee to remain at the work site to be ready for work or require the employee to continue working, in which case the meal period would be considered time worked. Meal time policy for the Police Department is contained in the Police Department guidelines.

3-11 PUBLIC ANNOUNCEMENTS:

The Manager or designated representative will make all official reports and announcements

to newspapers and other news media except as otherwise may be designated.

3-12 BULLETIN BOARDS:

Employees are held responsible for viewing information on official notices and items of interest posted on Village bulletin boards. Current job vacancies will be posted on all such bulletin boards. Because of the public nature of the boards, distasteful, potentially offensive material, political, or commercial material shall not be posted. However, with the approval of the Manager, political information such as bond issues of concern to the Village of Ruidoso may be posted.

3-13 TELEPHONE COURTESY:

Because of the many telephone contacts required, employees are expected to use common sense and everyday courtesy in using the telephone. An employee shall identify self and the department. If the inquiry has been misdirected, a reasonable effort shall be made to direct the call to the proper person and department. The Village telephone system is installed for business purposes, and personal calls shall be kept to an absolute minimum. Personal long distance calls are the financial responsibility of the employee.

3-14 TRAVEL EXPENSES:

The Village of Ruidoso has a policy on travel expenses. A copy of this policy is on file in the Executive Department.

3-15 DRESS AND APPEARANCE:

While it is not the Village's intention to dictate the personal wardrobe of employees, the appearance and dress of employees is important in creating a favorable image supportive of public confidence. The following guidelines shall be followed:

- A. Uniformed Personnel: Uniforms are expected to be neat, fresh, and clean when reporting for duty. Uniforms will be complete and appropriate for the season. Employees are responsible for wearing proper uniforms, related accessories, and equipment. Uniforms will not be worn during off duty hours (except to and from work) or in combination with non-uniform clothing. Employees shall not wear uniforms into drinking establishments or for other jobs. If employees do not go directly home after work, it is the employee's responsibility to change from the uniform or make sure the uniform is covered so as to not identify the Employer.
- B. Uniforms that are paid for and supplied by the Village, must be returned to the Village upon termination. If the employee refuses to return or has excessively damaged, the items and/or uniforms, the cost will be withheld from the last paycheck.

- C. Employees are responsible for wearing proper attire to perform the job for which they have been hired to perform. Employees not wearing proper attire for the job for which they have been hired to perform, shall be sent home, without pay, to change. Employees with vacation leave balance shall be permitted to use vacation leave when sent home to change.
- D. See specific departments for policies on uniforms.
- E. Non-uniformed Personnel: Employees not provided uniforms shall wear clothing which is proper, neat, clean, and suitable for the type of job they are performing. Very casual clothing, evening wear, and play clothes are not appropriate. Coats and ties are not required daily. Moderation and common sense are the best guides. An employee may be sent home without pay to change if the Department Director and/or Manager deems the attire to be inappropriate for the work area.
- F. Hair grooming, style, and length should be individual choice and should avoid extremes. The Fire and Police Departments may be required to follow departmental regulations regarding dress and hair length. All clothing, accessories, and shoes should be functional and safe for the type of work performed. Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.

3-16 VILLAGE VEHICLE USAGE:

The Village of Ruidoso has a Manager's policy on Village vehicle usage. A copy of this policy is on file in the Human Resource Department.

3-17 SAFETY:

The Village of Ruidoso has a Manager's policy on Safety. A copy of the policy is on file in the Human Resource Department.

3-18 EMPLOYEE COMPLAINT PROCESS:

An employee has the right to discuss any aspects of his/her employment with the immediate supervisor and failure to reach a resolution will entitle the employee to proceed through the chain of command without interference from the immediate supervisor.

3-19 GROUP INSURANCE:

The Village of Ruidoso participates in a group insurance plan(s) in which the Village may contribute a portion of the cost. The employee classification determines whether the insurance is offered to an employee or not and it determines the amount of contributions if any, made by the Village of Ruidoso for the cost of the insurance.

3-20 PUBLIC EMPLOYEE RETIREMENT ASSOCIATION:

Except for the employees who are exempt from PERA, Village employees are required to join the Public Employees' Retirement Association of New Mexico (PERA). A percentage of an employee's gross pay will be deducted each pay period from the employee's payroll check. The Village of Ruidoso also contributes a percentage to the employee's PERA.

ARTICLE 4

HOURS AND PAY

- 4-1 Work Period Defined - Full Time/Part Time Position Defined
- 4-2 Pay Plan
- 4-3 Initial Pay Rate
- 4-4 Pay Increases at the Beginning of a Pay Period
- 4-5 Salary after Initial Probationary Period
- 4-6 Salary on Promotion
- 4-7 Salary on Acting Appointment
- 4-8 Salary on Demotion
- 4-9 Holiday Pay
- 4-10 Overtime Pay / Compensatory Time Off
- 4-11 Call Back Pay
- 4-12 Stand By Pay
- 4-13 Longevity Pay
- 4-14 Service Credit Pay
- 4-15 Merit Increase and One Time Merit
- 4-16 Fire Progression Schedule
- 4-17 Termination Pay

4-1 WORK PERIOD DEFINED - FULL TIME/PART TIME POSITION DEFINED

- A. A regular full time position is a position held by a probationary or non-probationary employee who is scheduled to work a 40 hour/7 day work period on a reoccurring basis. The work period is from 12:00 midnight Sunday through 11:59 p.m. on Saturday.

$26 \text{ pay periods} \times 80 \text{ hours} = 2080 \text{ hours worked each year.}$
 $2080 \times \text{hourly rate} = \text{yearly salary or}$
 $\text{Yearly salary} / 2080 = \text{hourly rate.}$

- B. The regular full time Fire positions work a 14 day work period of 24 hours on, 48 hours off.
- C. A regular part time position is a position held by a probationary or non-probationary employee scheduled to work no more than 32 hours in a 7 day work period on a reoccurring basis.

Under very limited circumstances as determined by the Department Director and Manager, the Department Director may request that an employee holding a part time position, work more than 32 hours in the seven day work period. The written request must be for a specific and limited time period and shall be subject to the approval of

the Manager. The employee is not eligible for full time benefits during this temporary period.

Employees working in a part time situation shall not be eligible for overtime wages until the employee has physically worked over 40 hours in the seven day work period.

For pro-rata benefit purposes, a part-time position must require at least twenty hours of work per week (section 5-13- & 5-15).

Full time employees employed as part time also (e.g.: code enforcement officers, show hands) will receive benefits (e.g.: sick leave, vacation leave, increases) through the full time position but not the part time position.

4-2 PAY PLAN :

- A. The Village of Ruidoso has an ongoing pay plan. The standards for development of the plan are determined by the Human Resource Department and the Manager.
- B. The Human Resource Department will make periodic studies of pay plan and, at such times as needed, will request changes as are warranted by changing conditions.
- C. There is no requirement that all individuals assigned to the same range receive the same pay. Factors such as merit increases, promotions or other increases permitted, may cause individual pay differences within a range.
- D. The Human Resource Department is responsible for administering the pay plan.

4-3 INITIAL PAY RATE:

A person newly appointed to a position shall be paid at least the minimum rate for the pay range to which he/she is assigned. Appointment above minimum rate may be approved based on the Manager's policy for paying above the entry level in a range.

4-4 PAY INCREASES AT THE BEGINNING OF A PAY PERIOD:

Pay increases shall become effective at the beginning of the next pay period after the action causing the increase. Increases are the responsibility of the Department Director or the Department Director's Supervisor. Increases are to be submitted on proper forms and are to be submitted in a timely manner to the Human Resource Department.

4-5 SALARY AFTER INITIAL PROBATIONARY PERIOD:

- A. An employee who has satisfactorily completed the initial probationary period shall

receive an increase in pay. This increase is to begin the first payroll after successfully completing the probationary period.

- B. The Police and Fire Departments shall follow the appropriate Progression Policy for pay increases.

4-6 SALARY ON PROMOTION:

When an employee is promoted, the employee's pay shall increase to at least the minimum of the higher pay range. Pay rates on promotions shall be based on the same criteria as in 4-3, with written justification submitted to the Human Resource Director. The Manager shall make the final salary determination. The affected employee may then accept or reject the promotion.

4-7 SALARY ON ACTING APPOINTMENT:

An acting appointment is a non-competitive appointment of an incumbent to temporarily assume the duties of a vacant position. If an employee is temporarily assigned to a more responsible or more technical position for thirty or more consecutive calendar days, the acting employee's salary will be adjusted retroactive to the date the acting position was assumed. The employee will be paid at least the minimum in the salary range for the position in which the employee is acting.

The Human Resource Department shall be notified when acting appointments take place. If it is known that the employee will serve in an acting position for thirty or more calendar days, then the pay increase can start at the beginning of the pay period that the employee assumes the acting appointment. The Manager may remove an employee from the acting appointment at any time with or without cause or reason.

4-8 SALARY ON DEMOTION:

An employee who is demoted to a position with a lower pay range, shall receive a lesser pay rate in the lower range which is, in the judgement of the Department Director, Human Resource Director, and the Manager, the most appropriate rate. In every case, the demoted employee shall be paid a lesser salary than what was being earned prior to demotion.

4-9 HOLIDAY PAY (not including Floating Holiday):

Only non-exempt, full time, classified and probationary employees are eligible for holiday pay.

- A. When the employee is required to be on duty during a paid holiday, or if the holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to another paid day off during the same seven day period in which the holiday occurred.

- B. If another day off with pay within the same period is not possible, the employee who works the holiday, shall receive holiday pay computed at the regular rate plus 1.5 times the base rate for all time worked on that holiday.
- C. If the holiday falls on the employee's regularly scheduled day off and normally scheduled hours paid at straight time (example: an employee normally scheduled for 8 hours a day will be paid 8 straight hours).

4-10 OVERTIME PAY/COMPENSATORY TIME OFF:

Not all positions are eligible for overtime according to the federal Fair Labor Standards Act (FLSA). Employees who are considered Non Exempt from the FLSA are those positions where the employee is eligible for overtime or compensatory time off.

Employees considered exempt from the FLSA are the positions of Department Director through Village Manager.

- A. Overtime for:
 - 1. full time non-exempt employees (except police officers and Fire) is time worked in excess of 40 hours in a seven day period.
 - 2. non-exempt police officers is time worked in excess of 41.25 hours per seven-day work period.
 - 3. non-exempt fire employees is time worked in excess of 106 hours per fourteen-day work period.
 - 4. part time employees is time worked in excess of 40 hours in a seven day period. A part time employee shall receive the regular hourly rate for all time worked up to 40 hours per seven-day work week.
- B. Sick leave, vacation leave, holiday, standby, leave without pay, or other non worked hours shall not be included in the work period for purposes of computing overtime pay or compensatory time off.
- C. Overtime worked shall be compensated either with pay computed at 1.5 times the hourly rate of pay or with paid time off (Compensatory Time) at 1.5 times the number of overtime hours worked. The Village of Ruidoso may offer compensatory time off in lieu of overtime pay for all non exempt employees in compliance with the Fair Labor Standards Act. A non exempt employee may accrue a balance of up to 40 hours (41.25 hours for Police , 72 hours for Fire) compensatory time at any given time.
- D. Overtime is for the benefit of the Village. A request for overtime compensation, whether it is pay or time off, must be completed by employee prior to the time the work is performed. *Any unauthorized overtime shall be subject to disciplinary action. (*except in cases of bonafide emergency).

4-11 CALL BACK :

Employees called back to work outside of their regularly scheduled shift hours shall be paid for a minimum of two (2) hours. The time includes reasonable travel time. This provision does not apply to assignments that immediately follow (are connected to) the employee's regular scheduled work time.

Call back hours shall be paid at a premium pay. The premium pay shall be .50 of the regular hourly wage.

4-12 STANDBY PAY:

Standby is when an employee is scheduled to be available to answer service requests. When an employee is scheduled to be on Standby, the employee will be required to make sure he/she is available for work during the standby hours scheduled. Volunteer activity is not considered standby time.

Employees required to be on standby, shall be paid at the rate of:

One straight hour for each 16 hours of standby time completed Monday through Friday,
Three hours for each Saturday,
Three hours for each Sunday, and
Three hours for each holiday or prorated thereof.

If the employee does not respond to emergency calls while required to be on standby the employee will not be considered to have been on standby and therefore the hours will not be used to compute standby pay.

4-13 LONGEVITY PAY:

Longevity pay is a lump sum annual payment that is to be paid to classified and probationary employees during the month of December. Longevity pay shall be paid at \$4.00 for each full month worked beginning with the most recent date of hire. Longevity pay shall not exceed \$1200. A full month shall not include any unpaid leave taken.

4-14 SERVICE CREDIT PAY:

The Village has a Manager's policy on service credit pay. A copy of the policy is on file in the Human Resource Department.

Employees eligible for the Police certification increases shall not be eligible for the service credit pay until they have reached the maximum level of automatic police certifications

awarded by the NM Department of Public Safety for their position.

Employees eligible for the Fire progression policy shall not be eligible for the service credit pay.

4-15 MERIT INCREASE AND ONE TIME MERIT (Merit):

- A. Only classified employees with twenty four or more months of satisfactory, continuous Village employment shall be eligible for consideration for a Merit.
- B. Merits are distributed as follows:
 - 1. **Merit increase:** consists of an amount as determined by the Manager. This amount shall become part of the hourly wage.
 - 2. **One Time Merit:** is a lump sum adjustment determined by the Manager. This amount shall be a one time payment. It shall not be considered on going.
 - 3. Final distribution is approved by the Manager.
- C. At least twelve months must lapse before any individual shall be eligible to be considered for another Merit.
- D. A Merit cannot be paid retroactively.
- E. Criteria for designating employee merits:
 - 1. The employee shall be evaluated against his/her own previous evaluations and merits.
 - 2. The employee's performance shall have been meritorious over a sustained twelve month or longer period.
 - 3. Included as support documentation shall be at least one performance evaluation from the employee's recent work history, which reflects satisfactory or above ratings.
 - 4. For an employee to be considered for a merit, an employee must demonstrate increased performance above that noted for a previous merit.
- F. The written justification shall cite sustained superior performance supported by data, specific circumstances, or other tangible data which accurately describes one or more of the following sets of conditions:
 - 1. During the past 12 months, an employee has devised and/or implemented a method or routine which resulted in a significant reduction in operating cost,

2. During the past 12 months an employee has devised and/or implemented a procedure which significantly enhanced, multiplied or increased efficiency of operations,
3. An employee has regularly been available to respond when called upon to restore or ensure municipal services,
4. An employee has regularly been willing to take on additional duties in order to enhance operations,
5. An employee has consistently met deadlines, completed one or more major projects, or performed duties not generally regarded as part of the job so as to demonstrate dedication to public service,
6. An employee has performed (based on his/her own merit) regularly assigned duties in an outstanding and dependable manner.

4-16 FIRE DEPARTMENT PROGRESSION POLICY

The Fire Department has a progression policy. A copy of the policy is on file in the Human Resource Department.

4-17 TERMINATION PAY:

A. Voluntary Termination:

1. A classified employee who voluntarily terminates shall receive payment for earned wages including any compensatory time balance. The classified employee shall also receive payment for unused accrued vacation , and sick leave balance according to section B in this section.
2. An unclassified employee shall receive wages earned including any compensatory time balance.
3. The final paycheck shall be paid on the next regularly scheduled payday. Unless other arrangements have been made by the terminating employee, paychecks shall be retained in the Human Resource Department for pick up or distribution by mail.

B. Sick Leave Pay on Voluntary Termination:

1. A classified employee who has not met his fifth year of continuous full time employment, shall be not be paid any of his/ her sick leave balance.
2. A classified employee who has worked at least five years but has not completed his/her tenth year of continuous full time employment, shall be

paid 25% of his/her sick leave balance not to exceed 130 hours.

3. A classified employee who has worked at least ten years but has not completed his/her fifteenth year of continuous full time employment shall be paid up 50% of his/her sick leave balance not to exceed 260 hours.
4. A classified employee who has worked at least fifteen years but has not completed his/her twentieth year of continuous full time employment shall be paid up 75% of his/her sick leave balance not to exceed 390 hours.
5. A classified employee who has worked at least twenty years of continuous full time employment shall be paid up 100% of his/her sick leave balance not to exceed 520 hours.

C. Pay on Retirement:

Sick Leave pay: a classified employee shall be paid all unused sick leave if the employee retires from service with the Village of Ruidoso and is eligible for social security, Village retirement, or both.

Longevity pay: If the employee retires (eligible for PERA and/or social security) after June 30th but before the next December payment, that employee shall be entitled to the full amount of longevity as defined above as longevity pay shall be paid at \$4.00 for each full month worked (not to exceed \$1200).

D. Involuntary Termination:

1. A classified employee shall receive all earned wages including any compensatory time balance, unused accrued vacation leave but no unused accrued sick leave or longevity pay.
2. An unclassified shall receive all earned wages including any compensatory time balance.
3. The final paycheck shall be prepared within 5 working days of the date of termination.

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ARTICLE 5

HOLIDAYS and LEAVES

- 5-1 Leave Defined
- 5-2 Administrative Leave
- 5-3 Civil Leave (Jury Duty)
- 5-4 Death in Immediate Family
- 5-5 Family Medical Leave (FMLA) - Unpaid
- 5-6 Educational Leave - Unpaid
- 5-7 Holidays
- 5-8 Injury on the Job Leave (Workmen's Compensation Leave) -Unpaid
- 5-9 Leave to Run or Hold a Public Office -Unpaid
- 5-10 Military Leave - Unpaid
- 5-11 Personal Leave - Unpaid
- 5-12 Sick Leave
- 5-13 Training Leave, Active Duty Training for Public Employees Annual October 1 through September 30)
- 5-14 Vacation
- 5-15 Voting Leave
- 5-16 Benefits While on Unpaid Leave

5-1 LEAVE DEFINED:

Leave is any authorized absence, with or without pay, during regularly scheduled work hours which is approved in advance by proper authority. All leave is subject to the approval of the Department Director and in some instances, the Manager. Requests for leave shall be submitted to the Department Director on the "Request for Leave" form.

When an employee is absent before prior approval has been obtained, the employee is responsible for notifying the supervisor and explaining circumstances of the absence. Upon return to work, the employee will then complete the "Request for Leave" form. Calling in or notifying does not necessarily guarantee an employee paid leave.

Absence without leave is an unauthorized absence, subject to disciplinary action up to and including dismissal.

5-2 ADMINISTRATIVE LEAVE:

Administrative leave is leave with or without pay as approved by the Manager.

With Pay:

Administrative leave with pay that is approved by the Department Director and the Manager is for things such as, but not limited to, educational certification, job related schools or

seminars, death in immediate family, absence from the work area for more than one day, or for the benefit of the Village, in order to conduct internal investigations.

Employees may be placed on administrative leave with pay pending final determination of an investigation, or may be assigned other duties pending a final outcome of a matter. Each situation under investigation will be administered on a case by case basis

A Department Director may relieve an employee from duty and order him to leave the work area for the rest of the shift , but may not initiate administrative leave without pay without approval from the Manager.

Unpaid:

When it comes to the attention of the Village Manager that an employee has been charged with a crime under the laws of the state wherein the charges are brought, the Manager may, upon determining that it is in the best interest of the Village in order to protect and maintain the public's confidence and trust in the Village government, place the employee on unpaid administrative leave pending the outcome or disposition of the criminal charges.

At times, unpaid administrative leave may be approved by the Village Manager for the good of the Village's services. Unpaid administrative leave does not constitute discipline.

5-3 CIVIL LEAVE (JURY DUTY):

Depending on the circumstances as evaluated by Department Director and Human Resource Director, a regular employee who is called to serve on jury duty may be paid at the straight time hourly rate for time served as a juror. However, any jury fee shall be turned over to the Village of Ruidoso except for mileage reimbursement (figured at the approved rate) for out of town travel. If an employee uses vacation or unpaid leave for the time off to serve, then the employee shall not turn over the jury fee to the Village of Ruidoso.

In all instances, the employee shall furnish written documentation from the proper court along with the request for leave form as to time spent away from the work area.

5-4 DEATH IN IMMEDIATE FAMILY:

Up to three (3) days of paid administrative leave (24 hours for Fire) may be granted to an employee who has a death in the immediate family. For purpose of death in family, Immediate family shall include spouse, child, parent, brother, sister, grandparent, and grandchild.

5-5 FAMILY AND MEDICAL LEAVE (FMLA) UNPAID:

A classified employee meeting the FMLA criteria shall be granted leave as set forth in the current Federal Family Medical Leave Act of 1993. A copy of this act is filed in the Human

Resource office.

The employee is responsible for requesting FMLA as far in advance as possible. This is needed in order to determine if the situation meets the FMLA requirements. Forms for requesting Family Medical Leave can be obtained through the Human Resource Department.

If the federal family and medical leave benefit is exhausted and the employee is not able to return to work, that employee may be terminated.

5-6 EDUCATIONAL LEAVE UNPAID:

A classified employee with a good work history with the Village may be granted, upon the recommendation of the Department Director and the approval of the Manager, up to one semester of school (approximately 16 weeks) without pay to continue education if determination is made that continuance of the employee's education is important to the employee's future performance with the Village and the employee can be adequately replaced while absent. Request for educational leave shall be submitted, in writing, from the Department Director to the Human Resource Department and shall be subject to the approval of the Manager. In all cases, approval will depend upon whether the proposed education will be of benefit to the Village of Ruidoso.

5-7 HOLIDAYS:

There shall be twelve holidays per calendar year: Only full time probationary and classified employees are eligible for holiday leave per section 4-8.

- A. Holidays that are considered *Monday Observed*:
Memorial Day
Labor Day
- B. Holidays that are observed on the *actual day*:
Thanksgiving
Friday after Thanksgiving (Martin Luther King Birthday)
- C. In cases where the holiday falls on a Saturday, the prior Friday will be considered the legal holiday. In cases where the holiday falls on a Sunday the following Monday will be considered the legal holiday.
Independence Day
Christmas Eve (Veterans Day)
Christmas
New Year's Day
- D. *Floating Holidays* are personal days off that allow the employee to honor other events such as President's Day, Columbus Day, Easter, Hanukkah, etc. These personal days

are chosen by the employee and the choices are subject to the approval of the Department Director.

An employee may request a change in the approved floating holiday with written request subject to the approval of the Department Director. A Department Director may also change an employee's approved floating holiday which shall be in writing explaining the reason why the floating holiday must be changed. All changes in the approved floating holiday list must be submitted to the Human Resource Department.

At the discretion of the Department Director and the approval of the Manager, an employee may be paid holiday pay for working his/her approved floating holiday.

In dealing with a new hire, if an employee begins employment:

1. prior to April 1st, the employee shall be eligible for three Floating holidays, (Fire shall be eligible for 24 hours of holiday).
2. between April 1st and August 31th, the employee shall be eligible for two floating Holidays (Fire shall be eligible for 16 hours of holiday),
3. after August 31th, the employee shall not receive any Floating Holidays.

This is only for a new hire for the first calendar year the employee works for the Village.

- E. The *Birthday Holiday* is a personal holiday that must be taken within one month of the employee's birthday (*an example of this is: your birthday is July 1st. You have from June 1st through July 31st to take off for this personal holiday*). The time off is subject to the approval of the Department Director (Fire shall receive one shift day off). If the holiday is not taken within one month of the birthday it shall be deemed as lost. The employee will not be paid time and a half pay for the birthday holiday. However, if Management cannot accommodate the employee's day off within the proper time frame, the equivalent of one day shift will be added to his/her vacation accrual.

Holiday during vacation leave: When a designated holiday falls within an employee's vacation leave, that day shall be paid as a holiday and shall not be deducted from accrued vacation leave.

Holiday during sick leave: A holiday which is observed during an approved paid sick leave shall be paid as a holiday and shall not be deducted from accrued sick leave.

5-8 INJURY ON THE JOB LEAVE (WORKER'S COMPENSATION LEAVE) UNPAID:

- A. This is unpaid leave due to an on the job accident or illness. All employees of the Village of Ruidoso are covered by Worker's Compensation Insurance through the

Village of Ruidoso at no cost to the employee.

- B. The employee is responsible for immediately reporting any injury to the supervisor in charge. The Supervisor's accident report shall be submitted to the Human Resource Department within twenty-four (24) hours.
- C. Lost time accidents are paid in accordance with the law and on the basis of average weekly wage figures as published at the time of injury.
- D. No loss claims are those on the job injuries which result in lost time from work for less than seven days. In cases like this, the employee's time off shall be charged to sick, vacation, any compensatory time balance, or unpaid leave.
- E. Lost time claims are those on the job injuries which would cause the employee to lose time from work for a period of seven days or longer. The first seven days are considered a waiting period and would not be paid for by Worker's Compensation. The employee may use sick or vacation leave or any compensatory time balance during this waiting period. If the employee does not have sick or vacation leave, this time would be unpaid.
- F. After the employee becomes eligible for Worker's Compensation payments, the employee shall be placed on unpaid leave of absence. Vacation or sick leave shall not accrue during this time.
- G. For the first six months the employee is on Worker's Compensation disability, the Village will continue paying the Village's share of group insurance. When the employee has been off for six months, the employee will be responsible for 100% of any voluntary deductions normally held from the pay check.

5-9 LEAVE TO RUN, HOLD, OR CAMPAIGN FOR A PUBLIC OFFICE UNPAID:

If a Village employee chooses to run and/or if the employee plans to campaign during working hours for political office, the employee shall take vacation leave or leave without pay. See section 3-5 for more information.

5-10 MILITARY LEAVE UNPAID:

When an employee is called to active duty, the Village of Ruidoso shall follow the Federal and State rules and regulations for this situation.

5-11 PERSONAL LEAVE UNPAID:

Employees may be granted personal leave without pay under certain conditions. Request for leave without pay for five days or less shall be subject to the approval of the Department

Director. However, request for more than five days shall be subject to the approval of the Manager. The employee shall not accrue sick leave, vacation leave, or any other benefits while on leave without pay. The employee MAY NOT WITHDRAW PERA CONTRIBUTIONS when going on leave without pay.

Personal leave shall not exceed twelve weeks.

5-12 SICK LEAVE:

A. Sick leave may be authorized for personal illness, off the job injury, the first week of an on the job injury that is not paid for by Workers' Compensation (W/C's waiting period), exposure to contagious diseases which would endanger the health of other employees, to tend to immediate family members who are sick, (immediate family shall include: Spouse, Child, Parent, Brother, Sister, Grandparent, or Grandchild) or for required medical or dental or eye treatment or examination. Sick leave may not be authorized for reasons unrelated to illness or injury nor for slight indisposition which does not incapacitate the employee for performance of duties.

B. Accrual:

1. Classified and probationary full time employees shall accrue sick leave at the rate of 3.00 hours per paid period (3.98 hours for Fire).
2. Classified or probationary part time employees (must be scheduled twenty to thirty-two hours each week on a continuing basis) shall accrue 1.50 hours per paid period.
3. There is no maximum on sick leave accrual (note 4-16 for sick leave pay upon termination).
4. The Village has a Manager's policy on sick leave "buy back." A copy of the policy is on file in the Human Resource Department and the Executive Department.

C. Procedure:

1. Notification of supervisor: An employee who is unable to come to work because of one of the reasons specified shall promptly notify his/her immediate supervisor.

If the Department or operation is staffed 24 hours a day and if the Department has a written procedure that requires at least a two hour prior notification for a sick leave request, the Department Director can require the time off to be unpaid.

2. Sick leave shall be charged as used, i.e., if an employee is absent two hours, they shall be charged two hours of sick leave.
3. At the discretion of the Department Director an employee may be sent home on sick leave or unpaid leave if the employee seems to be too sick or injured to perform his job duties.
4. Written validation and release by a doctor is required anytime an employee uses more than 24 hours (12 hours for part time) or more of consecutive sick leave. If the employee does not submit proof to the supervisor for the sick leave taken, then the absence shall automatically be considered leave without pay and is subject to disciplinary action.
5. Using sick leave for reasons other than specified in 5-13-A, is inappropriate and unacceptable on the part of the employee. Patterns of unacceptable sick leave use may include such things as but not limited to claiming sick leave before and after days off, using sick leave as soon as it is accrued causing a very low or no sick leave balance for the time employed without good cause, keeping a low or no balance of sick leave on a continuing basis without good cause. If a pattern as described above is shown, the employee shall be subject to validations of claims for sick leave by submitting a note from the attending physician. This will be required for three months beginning with the next sick leave claim and may be subject to disciplinary action.

5-13 TRAINING LEAVE, ACTIVE DUTY TRAINING FOR PUBLIC EMPLOYEES:

Classified and probationary employees who are members of organized units of the military reserves shall be granted leave as set forth in the current statutes of the State of New Mexico (§ 20-4-7, NMSA 1978) and the Federal Government. Orders from the military must be submitted as far in advance as possible to the Department Director and forwarded to the Human Resource Department. In this section, a working day shall be eight hours.

5-14 VACATION:

Vacation leave is intended primarily to provide each classified employee with paid vacation each year, although it may be used for other employee needs requiring absence during work hours. Each employee is expected to use vacation leave each year in order to take time off for the good of his/her physical and emotional well being. Leave should be planned and requested as far in advance as practicable, in order to allow the department director to plan for operation of the department.

- A. Accrual: Each classified full time employee shall accrue leave based on length of service, in accordance with the following rate table. Each classified part time

employee, who is scheduled twenty to thirty-two hours each week on a continuing basis, shall accrue one half of the same table.

		Fire Employees
1 to 12 months	3.39 hrs/pay period	4.50 hrs/pay period
13 to 24 months	3.70 hrs/pay period	4.91 hrs/pay period
25 to 36 months	4.00 hrs/pay period	5.30 hrs/pay period
37 to 48 months	4.31 hrs/pay period	5.72 hrs/pay period
49 to 168 months	4.62 hrs/pay period	6.13 hrs/pay period
169 months and over	6.16 hrs/pay period	8.16 hrs/pay period

Vacation leave balance shall not exceed 240 hours (318 hours for Fire Employees).

- B. Probationary employees: Probationary employees accrue vacation leave during the probation period but are not entitled to such leave until they achieve regular non-probationary status.

5-15 LEAVE FOR VOTING:

Leave for voting shall be granted as set forth in the current statues of the State of NM section §1-12-42 NMSA 1978.

If an employee is found to have taken this leave time and used it for something other than voting, the employee shall be disciplined.

5-16 BENEFITS WHILE ON UNPAID LEAVE:

Vacation and sick leave shall not accrue when an employee does not receive a pay check while on unpaid leave.

Employees on unpaid leave shall not receive holiday pay for any time off.

Retirement shall not be paid when on unpaid leave.

When an employee is on unpaid leave, the Village shall continue to pay its portion of group insurance as long as the employee pays his/her portion in a timely manner. Under no circumstances, will the Village be obligated to continue to pay its portion of group insurance after six months of unpaid leave.

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ARTICLE 6

CHANGES IN STATUS

- 6-1 Promotions
- 6-2 Transfers
- 6-3 Demotions
- 6-4 Reclassification & Reorganization

6-1 PROMOTIONS:

A promotion is defined as a change of position from one salary range to another position in a higher salary range. The Village encourages employees to apply for promotions to positions at higher levels than those in which they are currently employed and also encourages its employees to develop the skills necessary in order to be promoted.

The Police Department shall follow the Police Promotional policy. A copy is filed in the Human Resource Department.

6-2 TRANSFERS (LATERAL TRANSFER):

A transfer also known as a lateral transfer is defined as a change from one position to another position within the same range or from one department to another department, in the same range. Transfers are subject to the approval of the Manager. Probationary employees with three months or less service with the Village of Ruidoso are not eligible for transfer. See section 2-14 for probationary employees considering transfer.

An effective date of transfer will be negotiated between the affected departments. A department from which an employee is transferring shall not require the services of that employee beyond a period of two (2) weeks unless there are extenuating circumstances. See section 2-14 for probationary or trial period.

6-3 DEMOTION:

A demotion is defined as being placed in a lower position in a lower salary range.

A. An employee may be demoted according to (but not restricted to) these criteria:

1. by voluntary request;
2. would otherwise be laid off because of job abolishment;
3. the position has been reclassified to a lower range.

- 4. does not possess the necessary qualifications to perform satisfactorily in the present position; or
 - 5. is unable, for medical reasons, to perform duties of the current job.
- B. See section 7-3 for more information on demotion.

6-7 RECLASSIFICATION & REORGANIZATION:

- A. Reclassification is the reassignment of a position from one range to a different class range to correct an error in the original assignment or to recognize a change in the duties and responsibilities of a position, or reorganization. Reclassification is not retroactive. Reclassification is subject to the approval of the Manager.
- B. When an employee is reclassified, there may be a salary adjustment. In reclassification to a lower range, an employee's salary may or may not be reduced. The Manager shall make the final determination. Reclassification shall not be used as a method of awarding an employee a salary increase.
- C. Reorganization is defined as elimination, creation or realignment of Village departments, offices, or positions. Reorganization is subject to approval by the Manager. Reassignment due to reorganization can be either voluntary or involuntary.

ARTICLE 7

DISCIPLINE OF EMPLOYEES

- 7-1 Authority to Discipline
- 7-2 Reasons for Discipline
- 7-3 DWI/DUI
- 7-4 Forms of Disciplinary Action
- 7-5 Due Process for Classified Employees

7-1 AUTHORITY TO DISCIPLINE:

The Village Manager, Department Director, and Supervisor have certain authority to discipline employees pursuant to Articles 7 & 8 of this manual.

The following activities are deemed inconsistent with employment with the Village of Ruidoso and are not in the best interest of the Village. Consequently, employees engaging in these prohibited activities will be subject to disciplinary action up to and including dismissal.

7-2 REASONS FOR DISCIPLINE

Reasons for discipline include, but are not limited to, the following:

- A. Charge or conviction of a criminal offense or other conduct punishable as a crime.
- B. Conduct unbecoming and/or conduct bringing the Village into disrepute.
- C. Demonstrated disloyalty or disrespect for the Village of Ruidoso Administration, Department Director, Supervisor, or other legally constituted authority.
- D. Endangering safety of others. Engaging in workplace violence or violation of the workplace violence policy.
- E. Excessive tardiness or leaving early without approval
- F. Excessive absenteeism.
- G. Failure to meet prescribed standards of work.
- H. Falsification of Application: No person shall falsify any statement on any application, resume, or other certification. Falsification of application shall result in disqualification for employment or disciplinary action against the employee up to termination of employment if the individual has already been hired.

- I. Falsifying or altering time sheets or other official records.
- J. Fraud: No employee shall willfully and fraudulently make or alter any statement, certificate, mark, rating, or report in regard to any test, certification of appointment, or in any way commit fraud in connection with the Village.
- K. Inefficiency in work performance.
- L. Insubordination (failure to follow the lawful order of a recognized superior).
- M. Job abandonment (unauthorized absence): An employee who is absent from the job for three consecutive working days or more without authorized leave.
- N. Losing or not obtaining needed certification and /or license in order to perform the job.
- O. Misconduct on the job.
- P. Missing so much work time that it causes the employee's work or other employee(s') work to suffer negatively.
- Q. Misuse, theft, or destruction of Village property.
- R. Negligence in the maintenance of equipment.
- S. Negligence in the operation of Village vehicle or any other Village equipment.
- T. Negligence in the performance of duty.
- U. Non-cooperation by an employee with fellow employees or other personal conduct which substantially interferes with the performance of his/her or another employee's work.
- V. Not being available during scheduled standby.
- W. Not following safety regulations including the wearing of safety articles and use of protective equipment, or violation of the safety manual.
- X. Physical or mental unfitness for duty due to intoxication from alcohol or drugs.
- Y. Unauthorized absence from work.
- Z. Use of official position for personal advantage.

- AA. Using sick leave for purposes other than stated in 5-13-A
- BB. Violation of the Code of Conduct policy.
- CC. Violation of departmental rules or professional code of conduct generally accepted by those in the same profession as the employee.
- DD. Violation of Drug Policy: The Village of Ruidoso has a Manager's Policy dealing with substance abuse and testing of employees. A copy of this policy is on file in the Human Resource Department.
- EE. Violation of any Federal or State law, Village ordinance, or any section of this manual.
- FF. Violation of the harassment policy, the non-discrimination policy, or other policies of the Village.
- GG. Other acts or omissions that adversely affect the welfare of citizens, other employees, or the effective operation of the Village.

7-3 DWI/DUI

Employees who receive a second or subsequent DWI/DUI on or after March 26, 1999 are not insurable through the Village of Ruidoso. This means an employee cannot drive a village vehicle nor drive a personal vehicle on village time or to represent the Village in any capacity.

If the employee has a position that requires a valid NM driver's license and the Department Director is not able to modify the job in order that the employee not be required to drive, then the employee is subject to demotion or termination.

7-4 FORMS OF DISCIPLINARY ACTION:

- A. Forms of disciplinary action which may be initiated are:
 - 1. Oral warning
 - 2. Written warning: The Department Director shall go over the action with the employee and have the employee sign for a copy of the written warning. A record of any written disciplinary action taken shall be sent to the Human Resource Department stating the cause for discipline and citing the specific elements upon which it is based. A copy of the written notice shall be placed in the employee's personnel file.
 - 3. Suspension without pay up to and including three days: The Department

Director may suspend an employee for cause for a period of three days or less (one shift day for Fire). The cause for suspension shall be documented in writing and shall be submitted to the employee who shall acknowledge its receipt in writing. A copy of the signed document shall be submitted to the Human Resource department and placed in the employee's personnel file. Employees who appeal this suspension to the Manager must do so in writing within two working days of the notice of suspension pursuant to the procedures for appealing disciplinary actions (see the Manager's policy filed in the HR Office).

4. Adverse action affecting employment status (suspension without pay, longer than three days, demotion, and dismissal): Any recommended action which would adversely affect the employment status of a non-probationary employee will be reviewed by the Human Resource Director prior to imposing such action. Adverse action is defined as suspension without pay longer than three days, demotion, or dismissal.
- B. Alternative Employee Performance Evaluation: Depending on the situation, this can be used as a counseling tool or as a disciplinary action. It is used when the supervisor sees a problem that may affect the employee's annual or probationary performance evaluation and the extra evaluating is needed to bring performance up to an acceptable level. There is no formal form because each evaluation is unique to the employee needing the extra evaluating period(s). With the alternative evaluation, the supervisor and/or Department Director will identify the time frame, the factors, results expected, available resources and, action plan.
- C. Minor infractions will normally result in oral warnings. Continued or repetitive infractions may invoke progressively severe disciplinary action. Depending on severity, some incidents in and of themselves will be sufficient cause for suspension, demotion, and/or dismissal. A written record of all disciplinary action except oral warnings shall be sent to the Human Resource Department. Although discipline can be progressive, circumstances may dictate that progressive discipline need not be followed.

7-5 DUE PROCESS FOR CLASSIFIED EMPLOYEES:

- A. When an adverse action is recommended, a predetermination meeting will be provided to the classified employee. This informal meeting provides the classified employee with the opportunity to be heard as to why discipline should not be taken. This meeting serves as a check against mistaken decisions and determines whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.
1. In such situations, The Department Director shall present the employee with a written notice which shall include the reason(s) for the proposed discipline,

an explanation of the facts in support of the proposed discipline, and the date, time, and place of the predetermination meeting. The Department Director will use reasonable means to assure the employee receives notice of the predetermination meeting at least three calendar days before the time set for the meeting.

2. The employee may be placed on administrative leave with or without pay , depending upon the circumstances. until the predetermination meeting.
 3. The Department Director shall conduct the predetermination meeting. This meeting is a personnel action. Internal personnel actions are a matter between the employee and the Village and are not public meetings. The meeting shall be conducted by the Department Director with only the employee and if requested, a representative from the Human Resource department present. No other party or representative shall be allowed to attend.
 4. The Department Director shall consider all the facts presented and determine whether to uphold, modify, or reverse the proposed action.
 5. If the decision is to uphold the proposed adverse action, the action shall be effective the date the employee is notified of the decision.
 6. If the employee fails to attend the predetermination meeting the adverse action shall be effective at the time the employee was presented the notice of meeting.
 7. The employee has the right to request, in writing, a post determination hearing. This written request must be received in the Human Resource Office within 10 days of the receipt of the Department Director's decision.
- B. A Post determination hearing provides a more formal process in accordance with due process requirements. The Manager or designee shall act as the Hearing Officer and conduct the post determination hearing.

When the employee requests a post determination hearing as provided above, the Human Resource Director will distribute the applicable hearing procedures to the employee or his/her representative if he/she is known.

The hearing officer shall render a written determination to the employee in a reasonable time. The Hearing Officer may uphold, reverse, or modify the Department Director's action. If the determination is to uphold the adverse action, the effective date shall be the day the employee received notice of the Department Director's decision. The decision of the hearing officer is final and the employee shall have no further right of appeal within the Village of Ruidoso.

ARTICLE 8

TERMINATIONS

- 8-1 Terminations
- 8-2 Disability Termination
- 8-3 Layoff or Abolishment of Position
- 8-4 Death
- 8-5 Return of Village Property
- 8-6 Exit Interview

8-1 TERMINATIONS:

Employment with the Village may be terminated voluntarily or involuntarily.

A. Voluntary Termination - When the employee decides to leave the employment of the Village of Ruidoso.

1. It is requested that an employee submit a written letter of resignation with the effective date and reason, to the immediate supervisor.
2. A minimum advance notice by the employee of two (2) weeks is required. Failure to give two (2) weeks notice will be recorded in the resigning employee's personnel file and may be cause for denying re-employment with the Village. However, the Department Director shall make the determination of rehire status with written documentation.
3. If an employee does not submit a letter of resignation, the Department Director shall submit a memo of resignation and submit it to the Human Resource Department.
4. Once a resignation has been presented in writing to the Human Resource Department, it cannot be withdrawn except in cases approved by the Manager.

B. Involuntary Termination - When an employee is dismissed from the Village work force.

1. Dismissal of Unclassified Employees: An unclassified employee serves at the convenience of the Village of Ruidoso and may be dismissed with or without cause at any time and without the right to a hearing.
2. Dismissal of Classified Employees: A classified employee may be dismissed:
 - a. As a result of disciplinary action.
 - b. Due to loss of skill, certification, or other condition which would

- c. make the employee unfit or lack of qualifications for service.
 - d. When the Village has made a determination that a lack of work or funding exists with respect to a position(s).
 - e. Because of a physical or mental impairment that cannot be accommodated (see Disability Termination).
 - e. Whenever the Manager determines to make changes deemed to be in the best interest of the Village.
- C. An employee who has been dismissed due to the result of disciplinary action or dismissed during the probationary period will not be eligible for re-hire. However, depending on the circumstances, the Manager reserves the right to make a final ruling to allow an employee to be eligible for re-hire .

8-2 DISABILITY TERMINATION:

An employee who has a physical or mental impairment that prevents the employee from performing the essential job functions of the employee's position and the employee cannot be reasonably accommodated may be subject to disability termination. Termination must be supported by medical evidence which establishes that the individual is unable to perform the essential job functions. The Village may require an examination or evaluation at its expense performed by a physician of its choice. Failure to submit to such request may also result in termination.

8-3 LAYOFF OR ABOLISHMENT OF POSITION:

- A. In a layoff situation, the employee with the least seniority, Village wide, in the particular position, shall be the employee laid off first as long as the employee(s) remaining are fully capable of performing all remaining work without a trial period or training period.
- B. A classified employee who must be laid off shall be notified in writing at least two (2) weeks prior to the effective date or shall be granted equivalent severance pay in lieu of notice.
- C. Laid off employees shall remain on the layoff list for up to one year at which time the layoff list shall expire and the employee shall be terminated. No new employee shall be hired until qualified employees on layoff have had an opportunity to be recalled or the layoff list has expired and the employee has been terminated.
- D. It shall be the responsibility of the laid off employee to notify the Human Resource Office of any changes in his/her mailing address and/or telephone number. Failure to provide current correct address information shall automatically remove the candidate from the layoff/recall list and the Village shall have no further obligation to the laid off employee.

- E. An employee on layoff has the right to continue to be carried on the group health insurance through COBRA and with the employee paying the total premium as required by COBRA.
- F. In a recall situation, the employee with the greatest seniority in the position, shall be recalled first (etc...), provided the employee is physically able to perform the duties of the job which is open. The Village maintains the right to disqualify the laid off employee if he/she fails to pass the physical examination and/or drug/alcohol screen required upon recall.
- G. The Village shall notify employees of the recall by return receipt requested mail at the last know address.
- H. The employee must respond in writing by return receipt requested mail or may hand deliver the response to the Human Resource Department and have an employee of the Human Resource Department sign for the written response. The written response must be mailed or hand delivered within five business days of receipt of the recall notice. Failure to respond within the five business days of receipt of recall notice shall automatically remove the candidate from the layoff/recall list and the Village shall have no further obligation to the laid off employee.
- I. Employees being recalled shall be allowed a maximum of ten business days from the date of the signed receipt of notice to report to work. Failure to report to work within the ten business days shall remove the employee from the layoff/recall list and the Village shall not have any further obligation to the laid off employee.

8-4 DEATH:

All compensation and payable benefits due shall be paid to the surviving spouse or the estate of the deceased.

8-5 RETURN OF VILLAGE PROPERTY:

It is the responsibility of the Department Director to make sure a terminating employee has returned all Village owned property. Prior to the final paycheck, the Department Director must certify in writing that the employee has returned all records (where applicable), keys, I.D. badges, emblems, patches, or other such items of Village property.

8-6 EXIT INTERVIEW:

Prior to the last day of work, each employee who resigns shall schedule an exit interview with the Human Resource Department. This interview will be to discuss insurance, retirement, PERA refund, uniform returns, and other pertinent matters.

ARTICLE 9

GRIEVANCES

- 9-1 Grievance Defined
- 9-2 Grievance Procedures
- 9-3 Personnel Board
- 9-4 Hearing Procedure
- 9-5 Confidentiality

9-1 GRIEVANCE DEFINED:

A grievance shall mean a claim or dispute by a classified employee with respect to the interpretation, meaning, or application of the Village's written personnel policies or written personnel procedures. This excludes layoffs, changes in policies and procedures, performance evaluations, transfers, promotions, suspensions without pay of three days or less, and disciplinary actions resulting in an adverse action.

9-2 GRIEVANCE PROCEDURE:

- A. The employee is required to discuss problems first with the supervisor and the Department Director within five days from the date of the alleged occurrence.
- B. If the problem is not resolved, the employee has the right to file a written grievance. The employee's written grievance must be received by the Human Resource Department within ten business days of the date the alleged occurrence. The Human Resource Office shall direct it to the Department Director for a written reply. The Department Director's written reply shall be submitted to the Human Resource office within five working days of the receipt of the grievance. The Human Resource office shall direct the reply to the employee within two business days.
- C. If the employee is not satisfied with the solution by the Department Director, the employee has the right to request, in writing, a meeting with the Manager. This request must be received in the Human Resource Office within five calendar days from the date of receipt of the Department Director's written reply. In the written request, the employee shall include the statement of the grievance, relevant facts, remedy sought, and reasons for dissatisfaction with the Department Director's response.
- D. The Manager shall meet with the employee and if needed, other employees to discuss the grievance. The Manager shall then issue a written response to the employee within five business days. If the employee is not satisfied with the solution by the Manager, the employee has the right to request, in writing, a Hearing with the Personnel Board. This request must be received in the Human Resource Office within five calendar days from the date of receipt of the Manager's written reply. In the

written request, the employee shall include the statement of the grievance, relevant facts, remedy sought, and reasons for dissatisfaction with the Department Director's and Manager's response.

- E. The Personnel Board shall schedule a hearing as soon as feasible.

9-3 PERSONNEL BOARD:

Each member of the Personnel Board is appointed by the Mayor with the advice and consent of the Village Council as stated in the Village of Ruidoso Municipal Code.

The function of the Personnel Board shall be to conduct a fact finding hearing for employee grievances.

No recommendation of the Personnel Board in a particular case shall affect retroactively, or in the future, any other grievance or employee complaint. Each grievance or complaint shall be determined upon its own merit(s). The recommendation of the Personnel Board shall not serve as precedents for other cases.

The Personnel Board shall conduct the fact finding hearing to determine if the Village of Ruidoso followed the written Personnel policies and/or written personnel procedures of the Village of Ruidoso.

9-4 HEARING PROCEDURE:

- A. The Board will review the grievance and require from the Human Resource Department any information the Board feels necessary for the hearing. By filing a grievance, the employee agrees to release information from the personnel file or any other investigation or material to the Personnel Board.
- B. The hearing shall be informal and shall not require adherence to the rules of evidence.
- C. All hearings shall be closed hearings, the witnesses shall be excluded from the hearing until called upon.
- D. All hearings shall be audio taped.
- E. As deemed necessary by the Board, guidelines and procedures, set by the board, may be established.
- F. The employee may be accompanied to the hearing by a person of his or her choice who may ask questions or otherwise represent the affected employee. The employee, Department Director, and Board shall have the right to ask questions of each other and any witness.

- G. The Board shall submit a written record of the hearing and recommendation of its findings to the Human Resource office for presentation to the Manager as soon as feasible.
- H. The Manager shall then make the final decision. The Manager's decision shall be final and binding, and the grievant shall have no further recourse after receipt of the Manager's decision.

9-5 CONFIDENTIALITY:

All information and documentation involved in the formal grievance process shall be considered and treated by all involved as confidential to the extent permitted by law.

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Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

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Manager Directives: Code of Conduct

Number: MSOP 99-03

Effective Date: August 20, 1999

Signed: Original filed in the Executive Office

Lorri McKnight, Manager

Purpose:

Village government is dependent upon the standards of its employees with regard to integrity. Employees are to uphold State and Federal laws and the rules, regulations, policies, laws, and ordinances of the Village of Ruidoso. Employees are not to use their positions or official capacity to obtain personal gain or to give unwarranted benefits or unwarranted special treatment to any person. Any employee who engages in any such behavior will be subject to corrective action up to and including termination of employment. Because the Village's strong disapproval of such inappropriate or offensive behavior, all employees must avoid any action, conduct, or behavior that could be viewed as a violation of this policy. Employees shall maintain public trust.

****Remember, perception is everything to our customers.
What people perceive as truth, is to them, the truth****

Definitions:

Benefit: Anything that furthers a person's financial interest or from which a person hopes to gain in any way.

Financial interest: Any property ownership, management, professional, or private interest from which the employee (or family or household member) receives a financial benefit.

Official capacity or position: A position in the municipal government for which a person has been hired.

Policy:

- A. Employees of the Village of Ruidoso shall make reasonable efforts to maintain public trust during their tenure with the Village.
- B. Employees who plead guilty or who are convicted for illegal activities shall be reckoned with on a case by case basis. The professional code of conduct generally accepted by those in the same profession as the employee shall be used as a guideline.
- C. Employees shall not use their positions for personal gain or to give unwarranted benefit or treatment to any person.
- D. Employees shall not use their official position to:
 - 1. secure employment or obtain contracts from other organizations,
 - 2. accept pay from anyone other than the Village for the performance of the official duties,
 - 3. take or withhold official action on a matter in which they have an outside personal or financial interest,
 - 4. coerce any employee in any manner which will result in outside financial benefit.
 - 5. use Village time, equipment, property or facility for personal financial benefit.
- E. Employees shall not solicit or accept gifts that benefit the employee's (or immediate family or household member's) personal or financial interest if it can be reasonably inferred that the gift is intended to influence the employee's actions or judgement. Gifts include money, items of value, services, loans, travel, entertainment, hospitality, and employment.
- F. Employees shall not use or disclose any information gained from Village employment if the use or disclosure could result in a financial or personal benefit to the employee (or an immediate family or household member), unless the information is public.
- G. No employee shall use or disclose confidential information acquired during employment.
- H. No employee (or immediate family or household member) whose action or inaction can affect the award, administration of a grant, contract, proposal, or bid award, may apply for, be party to or have an interest in that grant, contract, proposal, or bid award.
- I. No employee shall aid another employee to violate this policy.

Procedures:

- A. Any employee who has substantial financial interests or who acquires such financial interests direct or indirect, in any corporation, firm, or contract with the Village, is required to disclose that interest in writing to the Department Director.
- B. Any employee who is involved in business or financial operations or situations which are or may be in violation of this policy, is required to immediately disclose the matter in writing to the employee's Department Director. The Department Director will provide a written determination as to whether a violation exists, or will exist. If it is determined that a violation

does exist, the Department Director, shall notify the Village Manager who will make a determination as to what steps will be taken, including but not limited to, reassignment of duties to avoid violation, notification of all involved, and allowing the employee to continue in his/her official capacity. The Village Manager shall notify the council if the employee is to continue in his/her official capacity.

- C. Other violations or not reporting business or financial interests or potential business or financial violations, shall be handled through disciplinary process as stated in the Personnel Manual of the Village of Ruidoso.
- D. Any complaints about the conduct of an employee should be directed to the Village Manager.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

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Manager Directive: Drug and Alcohol Policy for Village Employees with
Commercial Driver's License **(CDL)**

Number: MSOP 00-01.1

Effective Date: April 14, 2000

Amended: September 26, 2000

November 1, 2005

Signed: Signed Original in Executive Secretary Office

Lorri McKnight, Manager

PURPOSE

To provide guidelines for commercial motor vehicle drivers regarding alcohol and drug testing requirements established by the Federal Highway Administration as mandated by the Omnibus Transportation Employee Testing Act of 1991(OTA)

While at work, each driver has a responsibility to deliver services in a safe, efficient and conscientious manner. In order to perform a job in the safest manner possible. Village employees must be able to work in a drug-free environment and themselves be free from the effects of alcohol and other impairing substances while on the job. Accordingly, while on the job or in a Village vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees is strictly prohibited and will result in suspension or termination. The use of illegal drugs or alcohol on the job or being under the influence of these substances, casts serious doubt on the employee's ability to perform the job and undermines the public confidence in the integrity of Village Human Resources.

Furthermore, the Village takes note of its obligation to comply with United States Department of Transportation regulations relating to controlled substances and alcohol abuse. The Village will ensure that the controlled substance and alcohol testing conforms with US DOT workplace testing

requirements.

GENERAL

The provisions of this Policy are applicable in addition to, and not in lieu of, the provisions that apply to all applicants and employees under the Village's Drug and Alcohol Testing Policy.

An employee subject to the provisions of this Policy may be a person employed by the Village, a contractor engaged by the Village or an employee of such contractor.

All drug and alcohol testing performed under this section will conform to Department of Transportation procedures.

Effective immediately, Village employees who drive commercial motor vehicles requiring a Commercial Driver's License (CDL) will be subject to alcohol and drug testing as outlined in this policy. A CDL is required for drivers operating in excess of 26001 pounds GVWR, designed to carry 16 or more passengers(including the driver), or a vehicle of any size which is used to carry a placardable amount of hazardous material. The required testing to be performed on these drivers includes: pre-employment, post-accident, random, reasonable cause, return to duty and follow-up testing.

Employees who are subject to this policy are also required to comply with the Village-wide Drug and Alcohol Policy.

The Village reserves the right to amend, modify, or delete any policy at any time.

I DEFINITIONS:

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration or content - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an Evidential Breath test (EBT).

Alcohol Prohibitions - The DOT prohibits any alcohol misuse that could affect performance of a safety sensitive function. Refer to Subpart B, part 382 of the Federal Motor Carriers Safety Regulations.

Alcoholic Beverage - means alcohol, or any other beverage, containing more than one-half of one percent by volume, which is capable of use for beverage purposes, either alone or when diluted.

Authorized Personnel - The Human Resource Director, Village Manager, and the specific Department Director. Also, on a case by case need to know, the supervisor shall also be considered authorized personnel. Personnel who are authorized to have access to alcohol or drug test results

or medical information pertaining to this policy will maintain confidentiality regarding this information.

Breath alcohol technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing device (EBT).

CDL - Commercial driver's license.

Collection Facility - means a hospital, clinic, or laboratory, or other valid facilities, approved by the Village to be used to collect body fluid or breath samples to be analyzed for specific controlled substances or alcohol. The facility will have all the required Human Resource, materials, equipment, and supervision to provide for the collection, security, temporary storage, and transportation of the samples to the testing facility, or to conduct alcohol testing.

Commercial motor vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating or more than 10,000 pounds; or
- (2) has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) is of any size and is used in the transportation or hazardous materials requiring placards.

A person who drives a commercial motor vehicle in the State of New Mexico is deemed to have given consent to submit to the taking of one or more specimens of the person's breath, blood, or urine for the purpose of analysis to determine the alcohol concentration or the presence in the person's body of controlled substances, drugs or alcohol (reference the New Mexico Department of Public Safety Commercial Driver's Manual).

Confirmation test - for alcohol testing means a second breath test, following a breath screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances, confirmation testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.

Contraband - means any article, the possession of which on Village premises or while on Village business causes an employee to be in violation of a Village work rule or penal law. Contraband includes illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, and counterfeit money.

Controlled substances - means any drug, substance or immediate precursor listed in Schedules I-V or Penalty Groups 1-4 of the Controlled Substances Act of 1988 as it may be revised from time to

time. Testing for marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines is required under the DOT regulations.

Department Director - means the Department Director or designee.

Departmental Policy - A Department's policy will prevail over this policy only where it is more restrictive than this policy and is not in direct conflict to this policy.

Disciplinary Action - When this term is used it means discipline up to and including termination.

Driver - any Village employee who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers; part-time, temporary, seasonal, or casual drivers; leased drivers, and independent owner operator contractors who are either directly employed by or under lease to an employer who operates a commercial motor vehicle at the direction of or with the consent of the Village of Ruidoso. For the purposes of pre-employment testing, the term driver includes a person applying for a job which requires them to drive a commercial motor vehicle.

Drug or illegal drug - means any drug in any detectable amount which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances such as marijuana and hashish, cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Drug Prohibitions - The DOT prohibits any drug use that could affect the performance of the driver. Refer to Subpart B, part 382 of the Federal Motor Carriers Safety Regulations.

Employees subject to testing - All employees who operate a commercial motor vehicle are required by the DOT to have a valid commercial driver's license (CDL) and are therefore subject to this controlled substance and alcohol testing policy. These positions are:

Driver	
Heavy Equipment Operator	WWTP Driver/Maintenance Worker
Light Equipment Operator	
Street Supervisor	
Street Foreman	
SW Maintenance Support Technician	
SW Operator/Driver	
Water/WW Foreman	

This list of titles may change as job responsibilities change or as new jobs are added or deleted to the Village work force. Employees required by the Department of Transportation to hold a

Commercial Driver's License due to the type of vehicle they drive are subject to this policy whether or not this list is immediately updated to include their job title. Employees who hold these jobs are required to carry their Commercial Driver's License on their person at all times when they are at work or are operating any qualifying Village vehicle.

Evidential Breath Testing device (EBT) - A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his medical history and any other relevant biomedical information. The MRO will review all positive laboratory results in a confidential manner and give the individual testing positive an opportunity to discuss the test results prior to making a final decision. Information will be released only to authorized personnel.

Premises or facilities - means all property of the Village, including but not limited to offices, building and surrounding areas on Village-owned or leased property, parking lots, and storage areas. The term also includes Village-owned or leased vehicles and equipment wherever located.

Proper medical authorization - means a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the name of the substance, quantity/amount to be taken, the period of authorization, and whether the prescribed medication may impair the employee's job performance. This requirement also applies to refills of prescriptions drugs.

Reasonable cause (reasonable suspicion) - a belief that the actions, appearance or conduct of a person are indicative of the use of a controlled substance or alcohol. Such a belief is based on objective, articulable facts. A reasonable cause or "for cause" situation is any situation in which an employee's performance in the safety sensitive function is in conflict with established job standards relating to safety and efficiency. The term includes accidents, near accidents, erratic conduct suggestive of drug or alcohol use, any unsafe performance behaviors, and unexplained deviation from productivity. Refer to Subpart C, part 382 of the Federal Motor Carriers Safety Regulations.

Refusal to submit (to an alcohol or controlled substance test) Refer to Subpart B, part 382 of the Federal Motor Carriers Safety Regulations. Refusal means a driver:

- (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing;
- (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or
- (3) engages in conduct that clearly obstructs the testing process.

Safety-sensitive function - any of the following on-duty functions:

- (1) All time when waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- (2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- (3) All time spent at the driving controls of a commercial motor vehicle.
- (4) All other time spent on or in a commercial motor vehicle.
- (5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The performing of a safety sensitive function is any period in which the driver is actually performing, ready to perform, or immediately following the performance of any safety-sensitive function.

Screening test (aka initial test) - in alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his system. In controlled substance testing it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

Split Sample: is required for all DOT controlled substance tests. This regulation requires that each urine sample is split into two containers. The first shall be tested and if positive, the driver has the option to have the second sample sent to another DDHS certified laboratory for analysis (at employee’s expense).

Substance abuse - is exemplified by, but not limited to, the following:

- (1) Ingestion, inhalation, or injection of a controlled substance without proper written medical authorization;
- (2) Ingestion of an alcoholic beverage during working hours, in a Village vehicle, on village property, or while on call or on stand by duty;
- (3) Ingestion, inhalation, or injection of a controlled substance without proper medical authorization, or ingestion of alcohol during non-working hours, which causes an employee to be unable to work in a safe and effective manner during working hours;
- (4) Use of prescription of over-the-counter medication in a manner which it was not intended.

Substance Abuse Professional (SAP) - a licensed physician (medical doctor or doctor of

osteopathy), or a licensed or certified psychologist, social worker, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Testing facility - a hospital, clinic or laboratory to be used to conduct a breath alcohol test or urine drug test.

Under the influence - condition in which a person is affected by a drug or alcohol in any detectable manner. The symptoms or influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence can be established by a professional opinion, a scientifically valid test such as urinalysis, breath analysis, or blood analysis and in some cases by the opinion of a layperson.

Vehicle Accident - Means after a vehicle accident in which an employee is involved during working hours and/or after a vehicle accident in which the employee was involved driving a Village vehicle at any time.

Working hours - means the time the employee arrives at the job until the time he leave including all lunch or other types of breaks.

II REQUIRED DOT TESTING

Pre-employment testing: All Applicants or present employees selected for employment in positions requiring a CDL at the time of hire will, as a pre-qualifying condition, be subject to testing for controlled substances and receive an alcohol breath test prior to the first time the employee performs the safety sensitive function. If an applicant tests positive, the job offer will be revoked. If an employee tests positive the job offer will be revoked and the employee shall be subject to discipline.

If an applicant or employee refuses to be tested, it will be considered the same as a positive result.

Random testing: Random “**alcohol**” testing” will be administered at a minimum annual rate of 10% of the average number of positions requiring a CDL. Random “**drug**” testing will be administered at a minimum annual rate of 50% of the average number of positions requiring a CDL.

The Village may modify this percentage as needed to comply with any changes made to the regulations by the DOT or Federal Highway Administration. (382.305)

The Village is shall use random sampling technique “sampling with replacement.” This means that each time a driver is selected and tested, that driver is placed back in the pool for the next selection and the driver may be selected and tested again (more than once in any year). A few drivers will be tested several times in a given year while other drivers may not be tested at all in that year. Prior to such testing, drivers will be required to sign a consent form to Consent to Drug and Alcohol Tests

and Consent to Related Searches and Seizures.

Post-accident testing: Currently, federal regulations place the burden of compliance with post accident drug and alcohol testing on the driver operating a commercial motor vehicle. Therefore, all drivers are required to submit to drug and alcohol testing within two hours (or as soon as practicable) following an accident. The driver is responsible for remaining readily available for such testing. Drivers who do not remain available for drug and alcohol testing will be considered to have refused to submit to testing and will be subject to disciplinary action. However, a driver is not prohibited from leaving the scene of a accident for the period necessary to obtain assistance in responding to the accident , or to obtain necessary emergency medical care.

If an employee is seriously injured and cannot provide a breath or urine specimen at the time of the accident, the Department Director shall require and collect the sample as soon as the employee is able to give the sample.

Refer to Subpart C, part 382.303 of the Federal Motor Carriers Safety Regulations.

Reasonable cause (suspicion) testing: A driver will be required to submit to an alcohol and/or a drug test when a Department Director has reasonable cause to believe the driver has violated the alcohol or controlled substances rules.

A driver will be tested for alcohol as well as controlled substances if the observations are made during or just prior to the driver performing safety sensitive functions. The Department Director or Management employee who makes a determination that reasonable cause exists shall be responsible for making sure the employee is tested. The Department Director or management employee shall also prepare a written record of the observation leading to the test within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Refer to Subpart C, part 382.307 of the Federal Motor Carriers Safety Regulations.

Searches and inspections in the workplace when reasonable cause exists: Drivers and their personal property, as well as Village property and equipment may be searched when there is reasonable cause (as defined in the preceding section) to believe that the employee is in violation of this policy.

III TESTING PROCEDURES:

Procedures for conducting the alcohol test: The alcohol testing will be conducted by a breath alcohol technician (BAT). Refer to Subpart C, part 40 of the Federal Motor Carriers Safety Regulations.

Refer to Subpart C part 40 of the Federal Motor Carriers Safety Regulations for alcohol testing.

Procedures for conducting the drug test : when sent for a drug screen, the driver is required to

show the Commercial Driver's License as identification at the testing facility. Refer to Subpart B part 40 of the Federal Motor Carriers Safety Regulations for drug testing.

IV TESTING RESULTS:

The Village's policy regarding test results which indicate the presence of alcohol or a controlled substance in an employee's specimen will be treated as outlined below. Employees who do not hold a CDL and therefore voluntarily participate in testing conducted under the provisions of the policy are also subject to the same consequences as employees who are required by law to submit to testing.

Negative Results: If the test results are negative, no disciplinary hearing will be held and the employee will be given back pay as though he worked as previously scheduled for this time.

Positive Results: Refer to part 40 and 382 of the Federal Motor Carriers Safety Regulations for positive results. Although in the federal regulations for positive is talked about in several subparts some of the main sections are part 40 subpart B 40.33, 40.35, Subpart C, 40.40.65, 40.81, 40.83, part 382 subpart D, subpart E, subpart F.

A Medical Review Officer (MRO) shall review and interpret positive results obtained from the lab. If the test is positive, the driver will be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village.

Second Sampling - A driver whose urine sample has tested positive has the option, within 72 hours of being notified by the MRO, to request a re-test of the split specimen. The driver will pay cash for the re-test.

If the second portion produces a negative result, or for any reason, the second portion is not available, the test is considered negative, no sanctions will be imposed and no disciplinary hearing will be held. Additionally, the Village will reimburse the employee for the expense of the re-test and back wages will be paid as though the driver worked as previously scheduled for this time period.

If the second portion confirms a positive result, the driver will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Time Offense: If this is the driver's first time for a positive result for drugs or alcohol testing .04 or greater, at the hearing, the driver may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance if any, the driver needs in resolving the problem. If the driver chooses to follow through with the course of action the SAP chooses, then the driver will not be terminated for drug abuse at this time and the driver shall be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The driver's Department Director and/or the Human Resource Department will determine when the unannounced

tests will be conducted. However, depending on the circumstances and on a case by case situation, although a driver might not be terminated for drug abuse, the driver may be terminated if he/she loses his/her CDL license.

If the driver chooses not to be evaluated by the professional or the driver does not follow through with the course of action directed by the SAP, then this action by the driver shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the driver's employment with the Village of Ruidoso, regardless of any break in service.

Drivers who test negative for illegal drugs or controlled substance but positive for breath alcohol concentration equal to 0.02 but less than 0.04 will:

1. be placed, on leave without pay and will not be allowed to perform any work on behalf of the Village for the 24 hour period immediately following the alcohol test and are no longer under the influence of alcohol. Another breath test will be performed to ensure that the driver is no longer under the influence of alcohol.
2. be required to submit to unannounced alcohol testing at least six times while on duty during the 12 months immediately following the initial test. The driver's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted;
3. be terminated if the breath alcohol concentration falls in this range twice in any consecutive 12 month period, or
4. Further, a driver will be terminated if the driver's breath alcohol concentration falls in this range a total of four times during the driver's employment with the Village of Ruidoso, regardless of any break in service;

However, depending on the circumstances and on a case by case situation, although a driver might not be terminated immediately for the alcohol misuse, the driver may be terminated if he/she loses his/her CDL license.

Drivers who test negative for illegal drugs or controlled substance but positive for breath alcohol concentration equal to or greater than 0.04 will:

1. be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village;
2. The driver will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Offense: If this is the driver's first time for a positive result for drugs or alcohol testing 0.04 or greater, at the hearing, the driver may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance if any, the driver needs in resolving the problem. If the driver chooses to follow through with the course of action the SAP chooses, then

the driver will not be terminated for a positive alcohol test (but may be terminated if CDL license is lost) at this time and the driver will be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The driver's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted;

If the driver chooses not to be evaluated by the professional or the driver does not follow through with the course of action directed by the SAP, then this action by the driver shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the driver's employment with the Village of Ruidoso, regardless of any break in service.

V PROHIBITED CONDUCT:

The following alcohol and controlled substance-related activities are examples of prohibited conduct:

1. Reporting for duty, remaining on duty or on stand-by, to perform safety sensitive functions while having an alcohol concentration level of 0.02 or greater.
2. Using alcohol while performing safety-sensitive functions.
3. Using alcohol during the 4 hour period immediately prior to performing safety-sensitive functions.
4. Using alcohol within 8 hours following an accident or prior to undergoing a post-accident alcohol test, whichever occurs first.
5. Refusing to submit to an alcohol or controlled substance test or a medical exam if required.
6. Refusing to produce adequate urine or breath without a valid medical explanation.
7. Reporting for duty, remaining on duty or on stand-by duty, or performing a safety-sensitive function, if the driver tests positive for controlled substances.
8. Using, selling, purchasing, distributing, transferring, or possessing alcohol, illegal drugs, drug paraphernalia, or contraband by the driver while on Village property or performing Village business, or offering to participate in these activities.
9. Under Village policy, refusing to submit to a search of one's person, personal effects and property, and Village property in the driver's possession or use, while on the job when a supervisor has reasonable cause to conduct a search.

Refer to Subpart B part 382 of the Federal Motor Carriers Safety Regulations.

VI CONSEQUENCES OF PROHIBITED CONDUCT

Drivers who are known to have engaged in prohibited behavior, with regard to misuse of alcohol or use of controlled substances, are subject to the procedures outlined in the previous sections of this policy. Those employees covered under this policy are also subject to the Village or Ruidoso's non-

CDL drug policy.

VII RESPONSIBILITIES:

Under the Village's policy, each driver shall report their own use of medically authorized drugs or other substances which can impair job performance to their immediate supervisor and provide proper written medical authorization to work from a physician. It is the driver's responsibility to ascertain from his physician whether the prescription drug can or may have an adverse impact on the driver's job performance. This provision is intended to protect the safety of each driver, co-workers, property and the public. Failure to report the use of such drugs or other substances or failure to provide proper evidence of medical authorization will result in disciplinary action.

The Village reserves the right to have a physician of its own choice determine if the medication at the prescribed dosage produces hazardous effects and may restrict that employee's work activity.

Under the Village's policy, each Village employee who observes or has knowledge of a Village driver in a condition which impairs his/her ability to perform job duties or poses a hazard to the safety and welfare of the employee or others shall promptly report this fact to his immediate supervisor. The supervisor shall then determine whether this information, along with the supervisor's own observation, warrants a reasonable cause test. Any employee concealing the use of or condition of being under the influence of controlled substances or alcohol by other employees on the job, or failure to make such a report will be subject to disciplinary action including suspension or termination.

Additionally, drivers who are required to submit to drug and alcohol testing shall as soon as practicable, provide that required biological specimens for testing. Failure to meet this responsibility is an offense which will result in disciplinary action including termination.

If a driver is called to special duty at a time when they are off duty and not on stand by duty, and they have been consuming intoxicants, the employee shall report this usage to the person calling them for special duty. The person receiving the notification from the driver shall promptly notify the requesting supervisor. The driver will not be required to report for special duty until such a time that the employee is in compliance with this drug and alcohol policy.

Supervisors shall supply all written reports and documentation required by the federal regulations and outlined in this policy. Failure to meet these responsibilities will result in disciplinary action.

Supervisors who are eligible to make reasonable cause determinations of the use of controlled substances or alcohol which require a driver to undergo testing shall attend training of at least 60 minutes on controlled substances abuse and an additional 60 minutes on alcohol misuse. The training shall cover the physical, behavioral, speech, and performance indicators of probable substance abuse.

VIII CONFIDENTIALITY — EVERYONE'S RESPONSIBILITY

The results of any drug or alcohol test shall be strictly confidential and shall not be disclosed without the prior written approval of the driver tested unless otherwise required by law. However, nothing in this section will prohibit the laboratory, MRO, or testing facility from releasing information relevant to a driver's test results to the authorized personnel. Additionally, only those persons in management directly involved in the decision-making process related to the tested driver will obtain any drug or alcohol testing information retained by the Village. There may be some instances where overriding public health or safety concerns may require the release of information otherwise considered confidential.

The driver is entitled to a copy of his/her test results, and the original results shall be maintained in a locked cabinet in the Human Resources Director's office in compliance with Federal Highway Administration record keeping rules. The Human Resource Director may maintain the results and any reports on individuals who have violated this policy.

Management and supervisory personnel who are authorized to have access to alcohol or drug testing results, or medical information pertaining to this policy, will maintain complete confidentiality as permitted by law regarding this information. Any Village employee who makes a reasonable cause observation or who may be a witness at an accident scene shall also maintain the same confidentiality. Breach of confidentiality relating to test results, or any other related matters, will subject to disciplinary action.

XIV RECORD KEEPING

Information regarding an individual's drug or alcohol test results or rehabilitation must be released regardless of employee consent to appropriate state or federal agencies upon request as part of an accident investigation. Statistical data related to drug or alcohol testing and rehabilitation that is not name-specific and training records must be made available to appropriate state or federal agencies upon request.

ATTACHMENT A

CONSENT TO DOT PRE-EMPLOYMENT DRUG TESTING

I, the undersigned, have been told and understand that applicants for employment in safety-sensitive positions which require a Commercial Driver's License with the Village of Ruidoso are required to pass a drug test as a condition of employment. Drugs which will be test for include drugs such as marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines.

I understand the unlawful use, distribution, dispensation, sale or manufacture of any controlled substance while at work for the Village of Ruidoso is strictly prohibited. In addition, I understand that Village of Ruidoso employees shall not consume alcohol while at work or on Village property and that reporting for work under the influence of any controlled substance or alcohol is prohibited. Violation of these prohibitions will subject the employee to disciplinary action including termination.

I hereby authorize the release of my test results to those Village officials with a need to know, including the Village Manager, Village Attorney, Human Resources Director or designee, my Department Director and/or Supervisor. I also authorize the designated Village officials to have continued access to my specimen for the purpose of any further analysis or study that may be necessary. I understand that results of the test will be treated in a highly confidential manner.

Additionally, I understand that favorable test results do no necessarily guarantee that I will be employed by the Village of Ruidoso.

Understanding all of the above and wishing to be considered as an applicant for employment with the Village of Ruidoso, I hereby consent to a pre-employment drug test.

Signed: _____

Printed Name: _____

Date: _____

Witness: _____

ATTACHMENT B
CONSENT TO DOT DRUG AND ALCOHOL TESTS AND CONSENT TO
RELATED SEARCHES AND SEIZURES

I, the undersigned, have read and understand the Village of Ruidoso's policy regarding drug and alcohol abuse and the Department of Transportation's Drug and Alcohol Testing regulations and procedures. I understand that it is the practice of the Village of Ruidoso to conduct drug and alcohol tests for the purpose of carrying out this policy.

I understand that I cannot be compelled to give a specimen of my urine or breath. I understand that if I give a specimen that it will be tested for elements such as alcohol, marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines, or prescription drugs without proper approval and/or as described in 382.213 of the Federal Motor Carriers Regulations. I understand that the giving of a specimen when requested by the Village is a condition of continued employment.

I understand that if a test reveals an unexplained presence of any of these drugs or alcohol the Village will take disciplinary action against me including termination.

I understand that my alteration of this consent form; refusal to consent or to cooperate fully with the collection of breath, urine and/or blood samples or with a medical examination if necessary; or my refusal to authorize the release of information to the Village of Ruidoso constitutes insubordination and is grounds for termination.

I hereby authorize the release of my test results to those Village officials with a need to know, including the Village Manager, Village Attorney, Human Resources Director or designee, my Department Director and/or Supervisor. I authorize the Village and its agents to communicate my test results among themselves for official purposes both orally and in writing, and to communicate such test results at a judicial or administrative proceeding. I also authorize the designated Village officials to have continued access to my specimen for the purpose of any further analysis or study that may be necessary. I understand the results of the test will be treated in a highly confidential manner.

In the interest of maintaining a safe and efficient environment for employees and non-employees including contractors, sub-contractors, vendors, suppliers, visitors, and citizens, the Village has and enforces a policy designed to control drug and alcohol abuse of Village premises and in connection with Village Business.

The Village administers a search program to ensure compliance with its drug and alcohol abuse policy. Based upon reasonable cause, I may from time to time be asked to submit to a search of my person, personal effects or personal vehicle while entering, on, or departing Village premises, or while performing Village business. I understand that an employee who fails to cooperate or declines to submit to a search when requested will be subject to disciplinary action, including discharge.

I have read and understand the Village's policy provisions regarding drugs and alcohol and related searches and seizures. I hereby agree to comply.

Printed Name

Employee signature and Date

Witness

Village of Ruidoso

Request/Consent form for information from previous employer for alcohol and controlled substance testing records:

SECTION 1: TO BE COMPLETED BY THE PROSPECTIVE EMPLOYEE:

Date Printed Name (First, MI, Last)

Signature and Date

I, the above mentioned signed, hereby authorize:

my prior employer, to release and forward all information on my Alcohol and Controlled substances Testing/Training record information as listed in 49 CFR Section 382.413(a) and (b) to the Human Resource Director, Village of Ruidoso, 313 Cree Meadows Drive, Ruidoso, NM 88345.

DEPARTMENT OF TRANSPORTATION CDL REGULATIONS:

This is in compliance with Section 382.405(f) and (h) which states:

(f) Records shall be made available to the subsequent employer upon receipt of a written request from a driver, disclosure by that subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(h): An employer shall release information regarding driver's license records as directed by the specific, written consent of the driver authorizing release of the information to an identified person/ Release of such information is permitted only in accordance with the terms of the employee's consent.

Section 382.413 (a)(b)(c)(e)(f) further states:

(a) An employer may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part of the driver's previous employer.

(b) An employer shall obtain, pursuant to driver's consent, information on the driver's alcohol test with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years which are maintained by the driver's previous employers under Section 382.401 (b)(1)(i) through (iii).

(c) The information in paragraph (b) of this section must be obtained and reviewed by the employer no later than 14 calendar days after the first time a driver performs safety-sensitive functions for an employer.

(e) The prospective employer must provide to each of the driver's of the driver's employers within the two preceding years the driver's specific written authorization for release of the information in paragraph (b).

(f) The release of any information under this part may take the form of personal interviews, telephone interviews, letter, or any other method of obtaining information that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

SECTION 2: TO BE COMPLETED BY PREVIOUS EMPLOYER

Has this person ever tested positive for a controlled substance while in your employ? _____

Has this person ever had an alcohol test with a Breath Alcohol Concentration of 0.04 or greater? _____

Has this person ever refused a required test for drugs or alcohol _____

If yes, to any of the above questions, please give the Substance Abuse Professional's name, address, and phone number for further reference:

Name:

Completed By:

Name:

Address:

Title:

City/State:

Phone:

Phone:

Date:

SECTION 3: TO BE COMPLETED BY PROSPECTIVE EMPLOYER

RELEASE OF INFORMATION

Person interviewed from previous employer:

Interviewed by:

FORM WAS: Mailed Faxed Received back on what date:

INTERVIEW METHOD Mailed Phone Personal interview:

49 CFR SECTION 382.303 (a) (3)

When test must be performed under the CDL Drug and Alcohol Policy.

Type of Accident	Citation Issued to Commercial Motor Driver	Citation Issued to Commercial Motor Driver	Test Must be Performed by Employer
Human Fatality	NO		YES
Human Fatality		YES	YES
Injury with Immediate Treatment Away from the Scene	NO		NO
Injury with Immediate Treatment Away from the Scene		YES	YES
Towed Vehicle due to Disabling Damage	NO		NO
Towed Vehicle due to Disabling Damage		YES	YES

ALCOHOL AND DRUG EFFECTS

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training material discussing the effects of alcohol and controlled substance use on an individual's health, work, and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL:

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6oz.) over time, may result in the following health hazards:

- ★ Dependency
- ★ Fatal liver disease
- ★ Kidney disease
- ★ Pancreatitis
- ★ Ulcers
- ★ Decreased sexual functions
- ★ Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- ★ Spontaneous abortion and neonatal mortality
- ★ Birth defects

Social Issues

- ★ 2/3 of all homicides are committed by people who drink prior to the crime.
- ★ 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- ★ 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- ★ The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- ★ 40% of family court cases are alcohol-related.
- ★ Alcoholics are 15 times more likely to commit suicide.
- ★ More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- ★ Over 17,000 fatalities occurred in 1993 in highway accidents, which are alcohol-related. This was 43% of all highway fatalities.
- ★ 30,000 people will die each year from alcohol caused liver disease.
- ★ Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- ★ It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- ★ Impairment can be measured with as little as two drinks in the body.
- ★ A person who is legally intoxicated is more likely to have an accident than a sober person.

Alcohol Through the Body

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric

or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B 1, vitamin B 12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy and cause a lack of insulin thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle, it has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Glands: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana:

Health Effects

- ★ Emphysema-like conditions.
- ★ One joint of marijuana contains cancer-causing substances equal to ½ pack of cigarettes.
- ★ One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- ★ Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- ★ Marijuana lowers the body's immune system response, making users more susceptible to infection.
- ★ Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- ★ Tetrahydrocannabinol (THC) and 60 other chemicals in Marijuana concentrate in the ovaries and testes.
- ★ Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- ★ Chronic smoking of marijuana in females causes a decrease in fertility.
- ★ A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant

- ★ mortality rate during the few days of life are common in pregnant marijuana smokers.
- ★ THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.
- ★ Prenatal exposure may cause underweight newborn babies.
- ★ Fetal exposure may decrease visual functioning.
- ★ User's mental function can display following effects:
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- ★ THC is stored in body fat and slowly released.
- ★ Marijuana smoking has long-term effects on performance.
- ★ Increased THC potency in modern marijuana dramatically compounds the side effects.
- ★ Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

Cocaine: Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormone associated with mood elevation.

Health Effects

- ★ Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson Disease could also occur.
- ★ Cocaine causes the heart to beat faster, harder, and rapidly increase blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- ★ Strong dependency can occur with a "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months of snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- ★ Treatment success are lower than other chemical dependencies.
- ★ Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- ★ Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- ★ Lapses in attention and ignoring warning signals increases probability of accidents.
- ★ High cost frequently leads to theft and/or dealing.
- ★ Paranoia and withdrawal may create unpredictable or violent behavior.
- ★ Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates: Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- ★ IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- ★ Increase pain tolerance. As a result, people may more severely injure themselves and fail to seek medical attention needed.
- ★ Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- ★ Because of tolerance, there is an ever increasing need for more.

- ★ Strong mental and physical dependence occurs.
- ★ With increased tolerance and dependency combined, there is a serious financial burden for the users.

Workplace Issues

- ★ Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- ★ Causes impairment of physical and mental functions.

Amphetamines: Central nervous system stimulant that speeds up the mind and body.

Health Effects

- ★ Regular use causes strong psychological dependency and increased tolerance.
- ★ High doses may cause toxic psychosis resembling schizophrenia.
- ★ Intoxication may induce a heart attack or stroke due to increased blood pressure.
- ★ Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- ★ Withdrawal may result in severe physical and mental depression.

Workplace Issues

- ★ Since the drug alleviates the sensation of fatigue, it may be abused to increased alertness during periods of overtime or failure to get rest.
- ★ With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

Phencyclidine (PCP): Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a “freak out” in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- ★ The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- ★ PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- ★ If mis-diagnosed as LSD induced, and treating with Thorazine, can be fatal.
- ★ Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- ★ Not common in workplace primarily because of the severe disorientation that occurs.
- ★ There are four phases to PCP:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

VILLAGE OF RUIDOSO
DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES WITH COMMERCIAL DRIVER'S
LICENSES ACKNOWLEDGMENT FORM

My signature below acknowledges receipt of the Village's Drug and Alcohol Testing Policy for Employees with Commercial Driver's Licenses and receipt of educational materials on the effects and dangers of drug and alcohol abuse. I understand that I am subject to the CDL drug policy and the non-CDL drug policy. I understand that it is my responsibility to read and comply with this policy and any revisions made to it. Should I have any questions, or wish to discuss this policy, I am aware that I should contact my Department Director or the Human Resources Director.

In the interest of maintaining a safe and efficient environment for employee and non-employees including contractors, sub-contractors, vendors, suppliers, visitors and citizens, the Village has and enforces a policy designed to control drug and alcohol abuse on Village premises and in connection with Village business.

The Village administers a search program to ensure compliance with its drug and alcohol abuse policy. Based upon reasonable cause, I may be asked to submit to a search of my person, personal effects or personal vehicle while entering, on, or departing Village premises, or while performing Village business. I understand that an employee who fails to cooperate or declines to submit to a search when requested will be subject to disciplinary action, including termination.

The Village of Ruidoso retains the right to change, modify, amend, revoke, or rescind all or part of this policy. The Village Manager is the final authority on matters concerning personnel policies.

I have read and understand the Village's policy provisions regarding drugs and alcohol and related searches and seizures. I hereby agree to comply.

Employee's Signature

Employee's Printed Name

Date

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive, Ruidoso, New Mexico 88345

Phone: 505-258-4343 Fax: 505-258-5361 E-Mail: LorriMcKnight@voruidoso.com

Manager Directive: Non-CDL Drug and Alcohol Procedures

Number: MSOP 00-02.1

Effective Date: April 14, 2000

Amended: November 22, 2000

November 3, 2004

May 5, 2006

Signed: Original Signed by Lorri and is filed in Executive Sec Office
Lorri McKnight, Manager

Purpose:

The health and safety of the employee is a serious concern of the Village of Ruidoso. Drug and alcohol use may pose a serious threat to the employee's health and safety. While at work, each Village employee has a responsibility to the public to deliver services in a safe, efficient, and conscientious manner. In order to perform a job in the safest manner possible, Village employees must be able to work in a drug-free environment and themselves be free from the effects of alcohol and other job impairing substances while on the job. Accordingly, while on the job or in a Village vehicle, the use, sale, distribution, possession, or being under the influence of an intoxicating liquor, controlled substance, drug not medically authorized, or any other substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or the other employees, is strictly prohibited and will result in disciplinary action up to and including termination.

The use of illegal drugs or alcohol on the job, or being under the influence of these substances, casts serious doubt on the employee's ability to perform his job functions and undermines the public confidence in the integrity of that employee and of the Village of Ruidoso.

Practice: It shall be the practice of the Village of Ruidoso to make reasonable efforts to maintain a drug and alcohol free workplace. The following procedure shall be given to each employee. The Village of Ruidoso shall have periodic training on drug and alcohol abuse.

Procedure:

I. Definitions

Abuse of Village property- is exemplified by, but not limited to, the following:

1. Negligent or willful damage or destruction of Village equipment or property;

2. Waste of materials or negligent loss of tools or materials;
3. Improper maintenance of equipment;
4. Damage caused by the use of tools or equipment for purposes other than that for which the tool or equipment was intended.

Accident - Any on the job injury which requires medical attention for the employee(s) and/or any other person involved, and/or causes the employee to lose time from work. It is also considered an accident when Village property has been damaged during the work shift. Also see definition of vehicle accident.

Alcohol - means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcoholic beverage - means alcohol or any beverage containing more than one-half of one percent by volume, which is capable of use for beverage purposes, either alone or when diluted.

Alcohol concentration (or content) - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an Evidential Breath Test (EBT) or converted from a urine or blood sample.

Authorized Personnel - The Human Resource Director, Village Manager, and the specific Department Director. Also, on a case by case need to know, the supervisor shall also be considered authorized personnel. Personnel who are authorized to have access to alcohol or drug test results or medical information pertaining to this policy will maintain lawful confidentiality regarding this information.

Collection Facility - means a hospital, clinic, or laboratory, or other valid facilities, approved by the Village to be used to collect body fluid or breath samples to be analyzed for specific controlled substances or alcohol. The facility will have all the required Human Resource, materials, equipment, and supervision to provide for the collection, security, temporary storage, and transportation of the samples to the testing facility, or to conduct alcohol testing.

Confidentiality: The results of any drug or alcohol test shall be strictly confidential and shall not be disclosed without the prior written approval of the employee tested unless otherwise required by law. However, nothing in this paragraph will prohibit the lab, the MRO, or testing facility from releasing information relevant to an employee's test results to the authorized Village personnel. Additionally, only those persons authorized and those directly involved in the decision making process related to the tested employee will obtain any drug or alcohol testing information retained by the Village. There may be some instances where overriding public health or safety concerns may require the release of information otherwise considered confidential.

Constitutional Rights of Employees - The Village of Ruidoso respects the constitutional rights of its employees. All actions taken by Village officials shall be consistent with the Constitution and laws of the United States and the State of New Mexico.

Contraband - means any article, the possession of which on Village premises or while on Village business causes an employee to be in violation of a Village work rule or penal law. Contraband includes illegal drugs and alcoholic beverages, drug paraphernalia, lethal weapons, firearms, explosives, incendiaries, stolen property, and counterfeit money. Nothing shall

preclude the possession of contraband for the purposes of educational instruction pursuant to the employee's job responsibilities.

Controlled substances - means any drug, substance or immediate precursor listed in Schedules I-V or Penalty Groups 1-4 of the Controlled Substance Act of 1988 as it may be revised from time to time.

Department Director - means the Department Director or designee.

Departmental Procedure - A Department's procedures will prevail over this procedure only where it is more restrictive than this procedure and is not in direct conflict to this procedure.

Disciplinary Action - When this term is used, it means discipline up to and including termination. Disciplinary action need not be progressive.

Drug or Illegal drug - means any drug in any detectable amount which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances such as marijuana and hashish, cocaine, heroin, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Human Resource Director - means the Human Resource Director or designee.

Manager - means the Village Manager or designee.

Medical Review Officer - (MRO) means a licensed physician (doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his medical history and any other relevant biomedical information.

Physician - means a physician licensed by the State Board of Medical Examiners.

Proper medical authorization - means a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the name of the substance, quantity/amount to be taken, the period of authorization, and whether the prescribed medication may impair the employee's job performance. This requirement also applies to refills of prescription drugs.

Rapid Drug Screen - a drug screen in which the results are known within minutes.

Reasonable Cause (or reasonable suspicion) - means that the actions, appearance, and/or conduct of an employee who is on duty are indicative of the use of a controlled substance or alcohol. Reasonable suspicion shall include, but not be limited to, the following:

- a. Abuse of Village property,
- b. Employee behavior problems such as fighting, declining work performance, argumentative, uncooperative, or other disruptive behavior;

- c. Receipt of written or oral statements by others concerning use of drugs or alcohol by employees or being under the influence;
- d. Possession of any drug or alcoholic beverage, or any drug or alcoholic beverage container, or any drug paraphernalia, during working hours, in a Village vehicle or on Village property;
- e. Indications of being under the influence or intoxication include but are not limited to the following:

Abnormally dilated or constricted pupils	Glassy eyes
Aggressiveness	Glazed stare or redness of eyes
Change of Speech (e.g. faster or slower)	Increased appetite for sweets
Change of personality (e.g. paranoia)	Inattentiveness
Constant fatigue or hyperactivity	Job impairment (inability to perform routine jobs).
Constant sniffing	
Difficulty walking	Mood swings
Disorientation	Needle marks
Drowsiness	Odor of alcohol
Dulled mental process	Odor of other substance(s)
Excessive unexplained absences	Redness under nose
Excitement or Confusion	Sudden weight loss
Euphoria	Unsteady gait or balance
Flushed face	Other erratic behavior
Forgetfulness -performance faltering	

Refusal to submit to alcohol or drug test - means that an employee:

- 1. Refuses to sign a consent to testing form;
- 2. Fails to provide adequate breath or urine for testing without a valid medical explanation after he has received notice of the requirement for testing;
- 3. Engages in conduct that clearly obstructs the testing process.

Any refusal listed above will be treated the same as a positive illegal, controlled substance test result or a breath alcohol content equal to or greater than 0.04.

Substance abuse - is exemplified by, but not limited to, the following:

- 1. Ingestion, inhalation, or injection of a controlled substance without proper written medical authorization;
- 2. Ingestion of an alcoholic beverage during working hours or on Village property unless authorized as part of a Village-sponsored event where the employee's ingestion is pursuant to their job responsibilities and where the employee's breath alcohol content is below 0.04;
- 3. Ingestion of an alcoholic beverage in a Village vehicle, or while operating Village equipment, or while on call or standby duty;
- 4. Ingestion, inhalation, or injection of a controlled substance without proper medical authorization, or ingestion of an alcoholic beverage during non-working hours, which causes an employee to be unable to work in a safe and effective manner during working hours;
- 5. Use of prescription or over-the-counter medication in a manner which it was not intended.

Testing Facility - means a certified laboratory or facility, approved by the Village to analyze

body fluid or breath samples for specific controlled substances or alcohol.

A copy of the Village of Ruidoso Drug and Alcohol Procedures shall be provided to the testing facility. The testing facility shall comply with the procedures outlined in this document when conducting tests. The testing facility shall contact the Village Human Resource Director whenever it believes it is necessary to amend the testing procedures.

Under the influence - is defined as abnormal behavior during working hours or while on call or on standby duty, which results from indulging to any degree in any alcoholic beverage, controlled substance, or drug which may limit an employee's ability to safely and efficiently perform the duties or poses a threat to the safety of the employee or others.

Vehicle Accident - Means a vehicle accident in which an employee is involved during working hours and/or a vehicle accident in which the employee was involved driving a Village vehicle at any time.

Working Hours - (on duty) means from the time the employee arrives at the job site until the time the employee leaves including all lunch or other types of breaks.

II. Department Directors and Supervisors

Training - Department Directors and Supervisory employees will be provided with specialized training on alcohol misuse and drug abuse.

Supervisor's Responsibilities: When an observation or knowledge of an employee being under the influence of drugs or alcohol or who poses a hazard to the safety and welfare of the employee or others, the supervisor will immediately notify the Department Director in a confidential manner.

Department Director: If the Department Director makes a determination that reasonable suspicion exists to conduct a drug or alcohol test, the Department Director will contact the medical facility for a drug screen and if warranted, the Police Department for a breath alcohol screen.

The Department Director or Supervisor will transport the employee to the collection facility.

****This information shall also be maintained in lawful confidentiality. Breach of confidentiality relating to test results or any other related matters will subject the employee to disciplinary action.**

III. Employees:

Notification to Supervisor of Authorized Drug Use: Each employee shall report the use of medically authorized drugs or other substances which can impair job performance to the immediate supervisor and provide proper written medical authorization to work from a physician. It is the employee's responsibility to determine from the physician whether or not the drug would impair job performance depending upon the nature of the employee's job. Failure to report the use of such drugs or other substances or failure to provide proper evidence of medical authorization will result in disciplinary action. Any information received from an employee under this provision will be kept confidential except to the extent it may be shared with individuals who are in a need to know position.

The Village reserves the right to have a physician of its own choice determine if the medication produces hazardous effects at the prescribed dosage and may restrict the employee's work activity.

Additional Employee Responsibilities: Each employee who observes or has knowledge of another employee in an impaired condition to perform the job duties or who poses a hazard to the safety and welfare of the employee or others shall promptly report this fact to the immediate supervisor. The employee making the observations must file a written report to the suspected employee's supervisor by the end of the shift of observing or learning of the condition. Any employee concealing the use of or condition of being under the influence of drugs, controlled substances, or alcohol by other employees on the job, or failing to make such a report will be subject to disciplinary action.

****Any employee who makes a reasonable cause observation or who may be a witness at an accident scene shall also maintain lawful confidentiality. Breach of confidentiality in the matter will subject the employee to disciplinary action.**

Call Back Duty: Employees called back to work at a time when they are off duty and not on standby duty, and they have been consuming intoxicants, those employees shall report this usage to the person calling them for special duty. The person receiving the notification from the employee shall promptly notify the requesting supervisor. Employees will not be required to report for call back duty until such a time that they are in compliance with this drug and alcohol procedure (or their own departmental procedure if it is more strict than this procedure).

Employee Cooperation: All employees are expected to cooperate in the testing process. Any conduct that clearly obstructs the testing process such as tampering with the specimen or the testing procedure will result in termination.

IV. Required Drug and/ or Alcohol Testing shall be conducted:

1. After an offer of employment,
2. After an offer of transfer, promotion, or change in job position
3. After an accident (see definitions).
4. After a vehicle accident (see definitions).
5. When a reasonable suspicion exists (see definitions).

V. Testing Methods

The methods by which substance abuse or alcohol use will be tested may include, but are not limited to, the following:

urinalysis
breath analysis
blood screening

The supervisor of an employee who is seriously injured and cannot provide a breath or urine specimen at the time of the accident will accompany the employee to the hospital and request that

the hospital perform the tests necessary to determine the presence of controlled substances or alcohol in the employee's body at the time of the accident.

VI. Procedures for Administering Tests:

When an applicant is required to submit to a drug and/or alcohol test, the applicant shall complete a consent form prior to testing. If the applicant does not understand the form, it will be explained. The form authorizes the exam/test and the release of medical information regarding the medical condition and any test results. When the applicant reports to the collection facility, he/she will be required to show positive picture identification.

After an offer of employment: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the job offer will be withdrawn.

After an offer of transfer, promotion, or change in job description: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the job offer will be withdrawn and the employee shall be subject to disciplinary action. If this is a subsequent positive, the employee shall be terminated.

After an reasonable suspicion: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the employee shall be subject to disciplinary action. If this is a subsequent positive, the employee shall be terminated

When an employee is required to submit to a drug and/or alcohol test due to reasonable suspicion, the employee will be driven to the collection site by the Department Director or Supervisor.

Medical Examination: If the employee is unable to provide adequate breath or urine to conduct testing, the Village may require the individual to undergo a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. The cost of the medical exam shall be paid by the Village of Ruidoso and the employee will remain in a leave without pay status while awaiting the results of the medical exam.

Waiting for the test result:

The applicant will not be permitted to begin work with the Village of Ruidoso until the results of the test are received by the Human Resource Department.

An employee who has been sent for a test due to suspicious reasonable cause, shall remain off duty in a leave without pay status until the results of the controlled substances test are received by the Human Resource Department.

Breath Alcohol Testing: Alcohol testing may be obtained through the blood or urine analysis and the certified lab shall convert the analysis into a breath alcohol reading. However, the Village of Ruidoso may choose to have the employee's breath alcohol content analyzed using an Evidential Breath Testing device (EBT) operated by a Breath Alcohol Technician (BAT). The test shall be conducted in a private setting.

VII. Procedures for Administering Post Accident Testing:

When the employee reports to the collection facility, he/she will be required to show positive picture identification. Consequently, employees are required to carry a valid driver's license with them while at work. Employees who do not have driver's licenses are required to carry a valid identification card while at work. The collection facility will do a rapid drug screen for all post accidents.

After an accident or vehicle accident: Refusal to submit to the drug/alcohol test will be regarded the same as a positive drug test result or breath alcohol greater than .04 and the employee shall be subject to disciplinary action. If this is a subsequent positive, the employee shall be terminated

When an employee is required to submit to a drug and/or alcohol test due to an accident or vehicle accident, the employee will be driven to the collection site by the Department Director or Supervisor. The Department Director or Supervisor will be given the drug screen results right away by the collection facility. The Human Resource Department will be notified by the collection facility.

Medical Examination: If the employee is unable to provide adequate breath or urine to conduct testing, the Village may require the individual to undergo a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. The cost of the medical exam shall be paid by the Village of Ruidoso and the employee will remain in a leave without pay status while awaiting the results of the medical exam.

Waiting for the test result: The employee and the supervisor will get the results immediately.

VIII. Post Test Procedures and Exam Results:

If requested, a copy of the results of the test shall be supplied to the employee tested. The original results shall be maintained in a locked cabinet in the Human Resource Director's office for a period of at least two years, after which time they may be destroyed. However, the Human Resource Director may maintain the results and any reports on individuals who have violated this policy for the purpose of recording the number of violations.

Negative Results: If the test results are negative, no disciplinary hearing will be held and the employee will be given back pay as though he worked as previously scheduled for this time.

Positive Results: A Medical Review Officer (MRO): shall review and interpret positive results obtained from the lab. The MRO will examine the possible alternate medical explanations for any positive test results and give the individual testing positive an opportunity to discuss the test results prior to making a final decision. The MRO will then contact the Human Resource Director with the information. The MRO may verify a positive test result to the Human Resource Director without having communicated with the employee if the employee expressly declines to discuss the results of the test, or if the employee has not contacted the MRO within 24 hours after notification.

Positive Drug Test Result: The employee will be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village.

Second Sample: An employee whose urine sample has tested positive has the option, within 72 hours of being notified by the MRO, of having the other portion of the split sample tested by the same lab or another certified lab. The employee will be required to pay the Village cash in advance for all costs related to the urine sample for the re-testing. The employee will remain on leave without pay while awaiting the results of the re-test.

If the second portion produces a negative result, or for any reason, the second portion is not available, the test is considered negative, no sanctions will be imposed and no disciplinary hearing will be held. Additionally, the Village will reimburse the employee for the expense of the re-test and back wages will be paid as though the employee worked as previously scheduled for this time period.

If the second portion confirms a positive result, the employee will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Time Offense: If this is the employee's first time for a positive result for drugs or alcohol testing .04 or greater, at the hearing the employee may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the employee needs in resolving the problem. If the employee chooses to follow through with the course of action the SAP chooses, then the employee will not be terminated for drug abuse at this time and the employee shall be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The employee's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted. If the employee chooses not to be evaluated by the professional or the employee does not follow through with the course of action directed by the SAP, then this action by the employee shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the employee's employment with the Village of Ruidoso, regardless of any break in service.

Employees who test negative for illegal drugs or controlled substance but positive for breath alcohol concentration below 0.02: will be allowed to return to duty unless the employee's departmental rules and regulations do not allow an employee's return to duty with any level of alcohol in their system.

Employees who test negative for illegal drugs or controlled substance but positive for breath alcohol concentration equal to 0.02 but less than 0.04 will:

- A. be placed on leave without pay and will not be allowed to perform any work on behalf of the Village for the 24 hour period immediately following the alcohol test and are no longer under the influence of alcohol. Another breath test will be performed to ensure that the employee is no longer under the influence of alcohol.
- B. be required to submit to unannounced alcohol testing at least six times while on duty during the 12 months immediately following the initial test. The employee's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted;
- C. be terminated if the breath alcohol concentration falls in this range twice in any consecutive 12 month period.
- D. Further, an employee will be terminated if the employee's breath alcohol concentration falls in this range a total of four times during the employee's employment with the Village

of Ruidoso, regardless of any break in service;

Employees who test negative for illegal drugs or controlled substance but positive for breath alcohol concentration equal to or greater than 0.04 will:

- A. be immediately placed on leave without pay and will not be allowed to perform any work on behalf of the Village;
- B. The employee will be provided with a notice of a disciplinary hearing stating the date, time, and place of the hearing and a copy of the test results.

First Offense: If this is the employee's first time for a positive result for drugs or alcohol testing 0.04 or greater, at the hearing, the employee may voluntarily agree to be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the employee needs in resolving the problem. If the employee chooses to follow through with the course of action the SAP chooses, then the employee will not be terminated for a positive drugs or alcohol test at this time. The employee will be required to submit to unannounced drug and alcohol testing at least six times while on duty during the 12 months immediately following the release to work by the substance abuse professional. The employee's Department Director and/or the Human Resource Department will determine when the unannounced tests will be conducted;

If the employee chooses not to be evaluated by the professional or the employee does not follow through with the course of action directed by the SAP, then this action by the employee shall be treated as though this were a subsequent positive result.

Subsequent positive results: for drugs or alcohol testing at .04 or greater will result in termination of the employee's employment with the Village of Ruidoso, regardless of any break in service.

IX. Operation of Vehicles and Equipment:

Any time the alcohol test produces a breath alcohol content equal to or greater than 0.02, the Department Director or Supervisor shall ensure that the employee does not drive himself home in either his personal vehicle or in an assigned Village vehicle.

Under no instances shall an employee operate a motor vehicle or motorized equipment while he is suspected of or is intoxicated, under the influence of drugs, or under the influence of medication which may affect the employee's ability to operate such equipment.

X. Searches and Inspections at the Workplace:

An employee and the employee's personal property, as well as Village property and equipment may be searched when there is reasonable suspicion to believe that the employee is in violation of this procedure.

The Village may conduct general inspection and searches for drugs, alcohol, or contraband on Village premises or in Village vehicles or equipment wherever located. Searches and inspections may be initiated without prior notification and conducted at times and locations deemed appropriate by the Village. Personal effects include, but are not limited to personal vehicles, baggage, lockers, desks, tool boxes, and lunch boxes.

An employee may have the right to refuse a search; however, an employee's consent to a search is required as a condition of employment and the employee's refusal will result in disciplinary

action up to and including discharge, even for a first refusal.

Controlled substances, drugs believed to be illegal, drug paraphernalia or contraband found on Village property will be turned over to the appropriate law enforcement agency and full cooperation given to any subsequent investigation. Substances which may be identified as an illegal drug by a layman's examination will be turned over to law enforcement authorities as well.

Other forms of contraband such as firearms, explosives and lethal weapons will be subject to seizure during an inspection or search. An employee who is found to possess contraband on Village property or while on Village business will be subject to discipline up to and including discharge.

XI. Employee Convictions:

Any employee convicted of a violation of a criminal drug statute must notify the Village of such conviction within (5) days of the conviction occurring. Convictions are subject to disciplinary action up to and including termination even for the first offense.

XII. Special Provisions:

Police Detectives and Officers who are required to be in possession of firearms, alcohol, or drugs, or other contraband in the course and scope of their employment, will be exempt from the provisions of this procedure pertaining to possession. Police employees are instructed to refer to the guidelines established by the Department's internal operating procedures.

XIII. Reservation of Rights:

The Village reserves the right to interpret, change, rescind, or depart from this procedure in whole or in part without notice. Nothing contained in this policy shall be construed as creating or constituting a contract with any employee, whether expressed or implied.

ALCOHOL AND DRUG EFFECTS

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL:

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6oz.) over time, may result in the following health hazards:

- ★ Dependency
- ★ Fatal liver disease
- ★ Kidney disease
- ★ Pancreatitis
- ★ Ulcers
- ★ Decreased sexual functions
- ★ Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- ★ Spontaneous abortion and neonatal mortality
- ★ Birth defects

Social Issues

- ★ 2/3 of all homicides are committed by people who drink prior to the crime.
- ★ 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- ★ 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- ★ The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- ★ 40% of family court cases are alcohol-related.
- ★ Alcoholics are 15 times more likely to commit suicide.
- ★ More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- ★ Over 17,000 fatalities occurred in 1993 in highway accidents, which are alcohol-related. This was 43% of all highway fatalities.
- ★ 30,000 people will die each year from alcohol caused liver disease.
- ★ Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- ★ It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- ★ Impairment can be measured with as little as two drinks in the body.
- ★ A person who is legally intoxicated is more likely to have an accident than a sober person.

Alcohol Through the Body

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B 1, vitamin B 12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy and cause a lack of insulin thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle, it has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Glands: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana:

Health Effects

- ★ Emphysema-like conditions.
- ★ One joint of marijuana contains cancer-causing substances equal to 2 pack of cigarettes.
- ★ One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- ★ Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- ★ Marijuana lowers the body's immune system response, making users more susceptible to infection.
- ★ Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- ★ Tetrahydrocannabinol (THC) and 60 other chemicals in Marijuana concentrate in the ovaries and testes.
- ★ Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- ★ Chronic smoking of marijuana in females causes a decrease in fertility.
- ★ A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the few days of life are common in pregnant marijuana smokers.
- ★ THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.

- ★ Prenatal exposure may cause underweight newborn babies.
- ★ Fetal exposure may decrease visual functioning.
- ★ User's mental function can display following effects:

- delayed decision making
- diminished concentration
- impaired short-term memory
- impaired signal detection
- impaired tracking
- erratic cognitive function
- distortion of time estimation

Workplace Issues

- ★ THC is stored in body fat and slowly released.
- ★ Marijuana smoking has long-term effects on performance.
- ★ Increased THC potency in modern marijuana dramatically compounds the side effects.
- ★ Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

Cocaine: Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormone associated with mood elevation.

Health Effects

- ★ Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson Disease could also occur.
- ★ Cocaine causes the heart to beat faster, harder, and rapidly increase blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- ★ Strong dependency can occur with a habit of cocaine. Usually mental dependency occurs within days for crack or within several months of snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- ★ Treatment success are lower than other chemical dependencies.
- ★ Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- ★ Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- ★ Lapses in attention and ignoring warning signals increases probability of accidents.
- ★ High cost frequently leads to theft and/or dealing.
- ★ Paranoia and withdrawal may create unpredictable or violent behavior.
- ★ Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates: Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- ★ IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- ★ Increase pain tolerance. As a result, people may more severely injure themselves and fail to seek medical attention needed.
- ★ Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- ★ Because of tolerance, there is an ever increasing need for more.
- ★ Strong mental and physical dependence occurs.
- ★ With increased tolerance and dependency combined, there is a serious financial burden for the users.

Workplace Issues

- ★ Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- ★ Causes impairment of physical and mental functions.

Amphetamines: Central nervous system stimulant that speeds up the mind and body.

Health Effects

- ★ Regular use causes strong psychological dependency and increased tolerance.
- ★ High doses may cause toxic psychosis resembling schizophrenia.
- ★ Intoxication may induce a heart attack or stroke due to increased blood pressure.
- ★ Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- ★ Withdrawal may result in severe physical and mental depression.

Workplace Issues

- ★ Since the drug alleviates the sensation of fatigue, it may be abused to increased alertness during periods of overtime or failure to get rest.
- ★ With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

Phencyclidine (PCP): Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a Afreak out@ in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- ★ The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- ★ PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- ★ If mis-diagnosed as LSD induced, and treating with Thorazine, can be fatal.
- ★ Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- ★ Not common in workplace primarily because of the severe disorientation that occurs.
- ★ There are four phases to PCP:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

**CONSENT TO DRUG AND ALCOHOL TESTS
AND CONSENT TO RELATED SEARCHES AND SEIZURES**

I have read and I understand the Village's policy regarding drug and alcohol abuse. I understand that it is the practice of the Village to conduct drug and alcohol tests for the purpose of carrying out the policy.

I understand that I cannot be compelled to give a specimen of my urine or breath. I understand that if I give a specimen that it will be tested for drugs or alcohol. I understand that the giving of a specimen when requested by the Village is a condition of continued employment.

I understand that if a test reveals an unexplained presence of a drug or alcohol, the Village will take disciplinary action against me, up to and including termination of my employment.

I understand that my alteration of this consent form; refusal to consent to or cooperate fully with the collection of breath, urine and/or blood samples or with a medical examination if necessary; or my refusal to authorize the release of information to the Village of Ruidoso constitutes insubordination and is grounds for termination.

I hereby authorize the release of my test results to Village personnel with a need to know, including the Village Manager, Village Attorney, Human Resource Director or designee, my Department Director and/or Supervisor. I authorize the Village and its agents to communicate my test results among themselves for official purposes both orally and in writing, and to communicate such test results at a judicial or administrative proceeding. I also authorize the designated Village personnel to have continued access to my specimen for the purpose of any further analysis or study that may be necessary. I understand the results of the test will be treated in a highly confidential manner.

In the interest of maintaining a safe and efficient environment for employees and non-employees, the Village has and enforces a policy designed to control drug and alcohol abuse on Village premises and in connection with Village business.

The Village administers a search program to ensure compliance with its drug and alcohol abuse policy. Based upon reasonable suspicion, I may from time to time be asked to submit to a search of my person, personal effects or personal vehicle while entering, on, or departing Village premises, or while performing Village business. I understand that an employee who fails to cooperate or declines to submit to a search when requested will be subject to disciplinary action, including discharge.

I have read and understand the Village's policy provisions regarding drugs and alcohol and related searches and seizures. I hereby agree to comply.

Signed: _____

Print Name: _____

Date: _____

Witness: _____

**VILLAGE OF RUIDOSO
DRUG AND ALCOHOL PROCEDURE
ACKNOWLEDGMENT FORM**

My signature below acknowledges receipt of the Village's Drug and Alcohol Procedure. I understand that it is my responsibility to read and comply with this procedure and any revisions made to it. Should I have any questions, or wish to discuss this policy, I understand that I should contact the Human Resource Department.

In the interest of maintaining a safe and efficient environment for employees and non employees including contractors, sub-contractors, vendors, suppliers, visitors and citizens, the Village has and enforces a procedure designed to control drug and alcohol abuse on Village premises and in connection with Village business.

As stated, if I am seriously injured and cannot provide a breath or urine specimen at the time of the accident, I authorize the hospital to perform the necessary test to determine the presence of controlled substances or alcohol at the Village's expense.

The Village administers a search program to ensure compliance with its drug and alcohol abuse procedure. Based upon reasonable suspicion, I may from time to time be asked to submit to a search of my person, personal effects, or personal vehicle while entering, on, or departing Village premises, while performing Village business. I understand that an employee who fails to cooperate or declines to submit to a search when requested will be subject to disciplinary action, including discharge.

The Village of Ruidoso retains the right to change, modify, revoke, or rescind all or part of this policy. The Village Manager is the final authority on matters concerning this policy.

I have read and understand the Village's policy provisions regarding drugs and alcohol and related searches and seizures. I hereby agree to comply.

Employee's Signature

Employee's Printed Name

Date

Village of Ruidoso

Lorri McKnight, Manager
Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcknight@voruidoso.com

Manager Directive: Education Reimbursement Procedure

Number:: VMP- 95-003.1

Effective Date: September 22, 2003

Signed: Original Signed by Manager and is on file in
Executive Secretary Office

Lorri McKnight, Manager

Background:

The Village of Ruidoso is committed to the ideal of assisting employees in pursuing a higher education. Under some circumstances, an employee is eligible for tuition and book reimbursement. Certain procedures shall be observed in the best interest of the village.

Directive:

- A. This is for voluntary (off work hours) schooling by an approved accredited College or accredited trade school or other schools as approved by the Village Manager.
- B. Requests are required to be submitted in writing along with the signed "application for employee educational reimbursement" to the appropriate Department Director prior to registration. There will be no reimbursement for semesters prior to the submitted request.
- C. The Department Director shall then submit written justification to Management explaining how the course or the pursued degree would benefit the Village. The Department Director shall forward the request and justification to the Human Resource Director.
- D. The Human Resource Director shall review and submit the request to the Manager for approval or disapproval of the reimbursement. If approved, the employee must receive at least a "C" in the course in order to receive any reimbursement.
- E. If the employee is requesting reimbursement for a non job related course, the employee may submit a certified copy of the degree plan for which the employee is pursuing. A certified

copy means a signed copy from the college or trade school acknowledging that this is the degree plan that the employee is pursuing.

- F. The employee is responsible for paying the College or school and must submit receipt of payment.
- G. The Village, after receiving proof of grade, tuition, and cost of book(s), shall then reimburse the employee.
- H. No employee shall receive payment from any other source for the same tuition and cost of book(s). If it is found that an employee has received payment for the same tuition and cost of books, the employee shall be disciplined and shall be required to repay the Village.
- I. The employee will agree to refund the amount of education reimbursement from the Village if the employee terminates within one (1) year from the date of said reimbursement.
- J. Reimbursement approval shall be on a "first come" basis contingent upon the availability of funds in a given fiscal year.
- K. Reimbursement shall not exceed \$400.00 per class including tuition and books.

APPLICATION FOR EMPLOYEE EDUCATIONAL COST REIMBURSEMENT

EMPLOYEE NAME:

DEPARTMENT:

NAME OF COLLEGE OR TRADE SCHOOL:

COURSE(S):

FOR SEMESTER:

1. Submit to Human Resource, along with this form:
 - a) Your request in writing to the Department Director.
 - b) Your Department Director's written justification to Management explaining how the course or the pursued degree would benefit the Village.
2. Once you have completed the course, submit receipt of payment for tuition and books.
3. The Village, after receiving proof of grade, tuition, and cost of books, shall then reimburse you according to the Procedure.
4. By signing this document, I certify that I:
 - a) have read the Village of Ruidoso Education Reimbursement Procedure and understand it,
 - b) have not and will not receive any payment from any other source for the cost of the Village's reimbursement to me for the class(es). I also acknowledge and understand that if it is found that I have received payment from another source for what the Village has reimbursed, I will be disciplined and I give the Village of Ruidoso consent to withhold the Village's reimbursement cost from any money the Village owes me including my paycheck in order to pay back the Village the cost of the reimbursement.
 - c) agree to allow the Village to withhold from any money owed to me, the amount of Village reimbursement if said reimbursement was made less than one (1) year from date of termination.

Employee Signature and Date

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcKnight@vovuidoso.com

Manager Directive: Employee Benevolent Fund

Number: MSOP - 02-03.1

Effective Date: 1-1-2003

Revised: 5-20-2003

Signed: Original signed and filed in the executive secretary office

Purpose:

At times, there is a need to send flowers to an employee due to certain occurrences. The Village needs a way to provide the funds immediately for purchase of those flowers. The Village has set up an Employee Benevolent Fund that is to be funded by the employees on a voluntary basis. The money collected by payroll deduction will be used for flowers when;

an employee is hospitalized;
an employee gets married;
an employee has a child or adopts a child;
an employee passes away; or
an employee's spouse, child, mother, father, or sibling passes away.

Procedure:

This fund will be voluntary on the employee's part. If the employee wants to participate, the employee is responsible for completing a payroll deduction authorization form. The employee can cancel at any time as long as the employee submits a written cancellation notice before the Wednesday of any payroll week. The money donated by the employee is non-refundable.

A checking account will be opened for this fund. It shall be a separate account from the Village because it is money privately donated by the employees. This is a non-public fund. There shall be two signatures needed to sign the checks.

When one of the above occurrences happen in a department, the Department Director will notify the Human Resource Department as soon as feasible. The Department Director cannot be held responsible for not notifying the Human Resource Department if the employee does not make the Department Director aware of the occurrence. The Human Resource Department will then order the flowers and have them sent to the proper location.

Employee Benevolent Fund Deduction Authorization Form

Employee name: _____

I desire to participate in the Employee Benevolent Fund for the Village of Ruidoso.
I authorize the Village to withhold from my pay check each pay day:

Circle one amount: \$.50 \$.75 \$1.00

I understand this is voluntary, that it is non-refundable and I may cancel this as long
as I submit written cancellation notice before the Wednesday of any payroll week.

Employee Signature and Date

Employee Benevolent Fund Deduction Authorization Form

Employee name: _____

I desire to participate in the Employee Benevolent Fund for the Village of Ruidoso.
I authorize the Village to withhold from my pay check each pay day:

Circle one amount: \$.50 \$.75 \$1.00

I understand this is voluntary, it is non-refundable and I may cancel this as long as I
submit written cancellation notice before the Wednesday of any payroll week.

Employee Signature and Date

Village of Ruidoso
Lorri McKnight, Manager
Manager Standard Operating Procedure

313 Cree Meadows Dr., Ruidoso, New Mexico 88345

Phone: 505-258-4343 Fax: 505-258-5361 E-MAIL: LorriMcKnight@voruidoso.com

Manager Policy: **Exposure Control Plan**

Number: **MSOP 00-06**

Effective Date: **November 1, 2005**

Signed: **Original filed in the Executive Office**
 Lorri McKnight, Village Manager

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June 15, 2000 REVISED

VII. Communication of Hazards to Employees

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Appendix I - 29 CFR 1910.1030 Bloodborne Pathogens Standard

Appendix II- 29 CFR 1910.1020 Medical Records

Appendix III- Hepatitis B Vaccine Declination Form

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Appendix V- Departmental Directives

EXPOSURE CONTROL PLAN

I. PURPOSE AND POLICY

The purpose of the Exposure Control Plan for this facility is to implement the requirements of OSHA Standard 29 CFR 1910.1030 Bloodborne Pathogens, and thereby reduce the risk of employee infection with bloodborne pathogens such as, but not limited to, Hepatitis A Virus (HAV), Hepatitis B Virus (HBV) and Hepatitis C (HCV), and Human Immunodeficiency Virus (HIV) which results in the disease commonly known as AIDS. The OSHA standard is included as Appendix I of this plan. This plan shall be reviewed and updated at least annually and as needed, to reflect any changes.

The policy of this facility is that employees shall adhere to universal precautions. Universal precautions is an approach to infection control. According to this concept, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV and other bloodborne pathogens.

A copy of the exposure control plan and Standard 29 CFR 1910.1030 Bloodborne Pathogens will be kept in each department that has exposure to bloodborne pathogens and available to all employees at all times.

II. DEFINITIONS

Appropriate Personal Protective Equipment:

Means that it does not permit blood or other potential infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used see (1910.1030 (d) (3) (I)) in Appendix I.

Bloodborne Diseases or Pathogens:

Diseases that are generally spread through blood to blood contact.

Contaminated:

Means the presence or reasonably anticipated presence of blood or other potentially infectious material on an item or surface.

Decontamination:

Means the use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface of the item is rendered safe for handling, use or disposal.

Exposure Control Officer:

The Human Resource Department and the immediate Department Director.

Exposure Incident:

Means a specific eye, mouth, other mucous membrane, non-intact skin, or other parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Mode of Transmission:

Needle Sticks, Splashes, Wastewater, etc.

Occupational Exposure:

Means reasonably anticipated skin, eye, mucous, membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials (OPIM):

1. The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids where it is difficult or impossible to differentiate between fluids;
2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead);
3. HIV containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture medium or other solutions; and blood or other tissues from experimental animal infected with HIV or HBV.

Parenteral:

Means piercing mucus membranes or the skin barrier through such events as needle sticks , human bites, cuts, and abrasions.

Regulated Waste:

Means liquid or semi-liquid blood or other potentially infectious materials, contaminated items that could release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed, items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling, contaminated sharps, pathological and microbiological wastes containing blood or other potentially infectious materials.

Sharps:

Any contaminated object that can penetrate the skin including but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Work Practice Controls:

Means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting recapping of needle by a two hand technique).

For definitions of other terms used in this exposure control plan, see 1910.1030 (b) Definitions in Appendix I.

III. JOB CLASSIFICATION AND DESCRIPTIONS

The exposure determinations have been made without regard to the use of personal protective equipment.

JOB CLASSIFICATIONS IN WHICH "ALL" EMPLOYEES HAVE BEEN IDENTIFIED AS HAVING OCCUPATIONAL EXPOSURE:

JOB CLASSIFICATION AND DESCRIPTION:

Patrol Officer

Corporal

Sergeant

Lieutenant

Chief of Police:

DESCRIPTION:

Investigates crimes, complaints, makes arrests, maintains order, obtains evidence, performs crowd and traffic control, assists injured.

JOB CLASSIFICATION AND DESCRIPTION:

Communication Detention Officer

Communication Detention Officer Supervisor:

DESCRIPTION:

Supervision of prisoners in the detention facility, greets walk in traffic.

JOB CLASSIFICATION AND DESCRIPTION:

Firefighter I & II

Capitan

Lieutenant

Fire Chief:

DESCRIPTION:

Fire fighting, cleaning of premises after fire has been extinguished, assists injured, performs lifesaving operations.

JOB CLASSIFICATION AND DESCRIPTION:

Airport Manager

Emergency Response Chief
Head Lineman
Line Service Technician (Lineman)

DESCRIPTION:

The Airport is in an isolated area. The field employees are first responders to in any life saving operation.

JOB CLASSIFICATION AND DESCRIPTION:

All Water department field positions
All Waste Water Collection field positions
All Waste Water Treatment Plant positions

DESCRIPTION:

Would be considered to have "exposure" due to the fact the water or waste water may, at times, not be cold enough to kill a virus, employee(s) may become injured around contamination.

JOB CLASSIFICATION AND DESCRIPTION:

Solid Waste Workers
Solid Waste Operator Drivers
Solid Waste Maintenance Support Technician

DESCRIPTION:

Handles larger quantities of garbage by hand and truck. Clean and maintain dumpsters and run transfer station.

JOB CLASSIFICATION AND DESCRIPTION:

All Parks and Recreation positions this also includes all Pool positions

DESCRIPTION:

Maintain all Parks and Recreational facilities. Deals with public on community wide sporting and holiday events.

JOB CLASSIFICATION AND DESCRIPTION AS TO TASKS OR GROUPS OF CLOSELY RELATED TASKS AND PROCEDURES IN WHICH OCCUPATIONAL EXPOSURE COULD OCCUR:

ALL OTHER EMPLOYEES

DESCRIPTION:

Would be considered to have "some exposure" due to the fact that the Village of Ruidoso is a public entity with public facilities, and maybe applicable to work practice per Department Directors.

IV. METHODS OF COMPLIANCE

A. General

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials.
2. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.
3. Each department of the Village of Ruidoso is responsible for ensuring the employees, identified as having occupational exposure, are knowledgeable of this plan, are properly trained at the time of initial assignment, and at least annually, in the proper methods of avoiding exposure and contamination from human blood and certain body fluids (see section III of this plan).
4. Once the employee has been trained, the employee must act in a responsible manner when dealing with situations that are addressed in this policy.

B. Engineering and Work Practice Controls

1. Employees shall wash their hands immediately or as soon as possible after removal of gloves or other personal protective equipment and after hand contact with blood or other potentially infectious materials. If hand washing facilities are not immediately available, employees shall use antiseptic hand cleaner or towelettes and shall wash hands with soap and water as soon as feasible.
2. All personal protective equipment shall be removed immediately upon leaving the work area or as soon as possible if overtly contaminated and placed in an appropriately labeled and designated area or container for storage, washing, decontamination or disposal.
3. All clothing which has come in contact with blood or other potentially infectious material shall be removed immediately or as soon as possible or feasible and the employee will:
 - a. Wash that body area with soap and water.
 - b. Place contaminated clothing in the provided bio hazard bag and handle according to Departmental procedures.
 - c. Employees are not responsible for laundering contaminated laundry.

4. Used needles shall not be shared, bent, broken, recapped or removed by hand. Any exception must comply with 29 CFR 1910.1030 (d) (2) (vii).
5. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood for occupational exposure.
6. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on counters or bench tops where or anywhere else where blood or other potentially infectious materials have a potential to be present.
7. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, splattering, and generation of droplets.
8. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited. (In the event of a snake bite seek medical attention immediately. Snake bite kits shall be used only if properly trained).
9. Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport or shipping.
 - a. The container for storage, transport or shipping shall be closed and labeled or color coded according to **paragraph VII, A** of this plan.
 - b. If outside contamination of the primary container occurs, it shall be placed within a second container which prevents leakage during handling, processing, storage, transport or shipping. The second container shall be labeled or color coded according to **paragraph VII, A** of this plan.
 - c. If the specimen could puncture the primary container, it shall be placed in a puncture resistant second container meeting the characteristics of the above paragraph.
10. Equipment which may become contaminated with blood or other potentially infectious material shall be decontaminated as necessary unless decontamination is not feasible.
 - a. Contaminated equipment shall be labeled according to requirements in **paragraph VII, A** of this plan and shall state which portions remain contaminated.

- b. It is the responsibility of the Village of Ruidoso to notify all affected employees, the servicing representative and/or manufacturer as appropriate prior to handling, servicing or shipping of contaminated equipment so that appropriate precautions can be taken.

C. Personal Protective Equipment

1. When there is occupational exposure, employees will be provided with and shall use appropriate personal protective equipment such as: Gloves, aprons, lab coats, head and foot coverings, face shields, or masks and eye protection; and mouthpieces, resuscitation bags, pocket masks or other ventilation devices. The appropriate personal protective equipment shall be discussed with each employee and shall be required based upon the tasks involved and the hazards of the job duty. The equipment shall be readily accessible.
2. Appropriate personal protective equipment in the appropriate sizes will be provided at the work site. If deemed appropriate, non-disposable multi-use equipment may be assigned to individual employees.
3. Cleaning, laundering, or disposal of personal protective equipment will be provided by employer without cost to employees.
4. When necessary, issued personal protective equipment will be repaired or replaced by the Village of Ruidoso. Employees must notify their supervisor when the equipment needs repairing or replacing.
5. Gloves: Gloves shall be worn when it can reasonably be anticipated for the hands to have contact with blood, other potentially infectious materials, mucous membranes, non-intact skin and when touching or handling contaminated items or surfaces.
 - a. Disposable (single use) gloves, such as surgical or examination gloves, shall be replaced as soon as possible when contaminated, torn, punctured or when their ability to function as a barrier is compromised. Disposable gloves shall not be washed or disinfected for re-use.
 - b. Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised, however they must be discarded if they are cracked, peeling, torn, punctured or exhibit other signs of deterioration, or when their ability to function as a barrier is compromised.
 - c. Gloves shall be worn when performing vascular access procedures except as specified in 1910.1030(d)(3)(ix)(D) of Appendix I.

6. Masks and eye protection or chin length face shields shall be worn whenever splashes, spray, spatter, droplets or aerosols of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
7. Gowns, aprons, and other protective body clothing: Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degrees of exposure anticipated.
8. Surgical caps or hoods and/or shoe covers shall be worn in instances when gross contamination can be anticipated (i.e., homicide investigation scenes.)

D. Housekeeping

The work site is to be maintained in clean and sanitary condition. Each department will determine and implement the appropriate written schedule for cleaning and method of decontamination based upon the location within this facility, type of surface to be clean, type of soil present, and tasks and procedures being performed in the area.

1. Cleaning and disinfection: All equipment and environmental working surfaces shall be properly cleaned and decontaminated after contact with blood or other potentially infectious materials.
 - a. Work surfaces shall be decontaminated with a 1 part bleach to 10 parts water solution or another approved antiviral disinfectant after completion of procedures; whenever surfaces are overtly contaminated; immediately or as soon as feasible and as scheduled; after any spill of blood or other potentially infectious materials; and at the end of the work shift if contaminated since the last cleaning.
 - b. Protective coverings such as plastic wrap, aluminum foil or imperviously backed absorbent paper may be used to cover equipment and environmental surfaces. These covering shall be removed and replaced at the end of the work shift or when they become overtly contaminated.
 - c. All bins, cans and similar receptacles intended for re-use which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as possible upon visible contamination.
 - d. Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means such a brush and

dust pan, tongs or litter grippers and deposited directly into an approved sharp container.

E. Regulated Waste

a. Contaminated Sharps:

- (i). Contaminated sharps shall be discarded immediately or as soon as feasible in close able, puncture resistant, leak proof (on sides and bottom) containers. The container shall be labeled in accordance with this plan.
- (ii). Contaminated sharps containers shall be easily accessible to employees and located as close as feasible to the immediate area where sharps are used or can reasonably anticipated to be found.
- (iii). Contaminated sharps containers shall be kept upright throughout use and not allowed to over fill.
- (iv). If leakage is possible, contaminated sharps containers shall be placed in a close able, appropriately labeled container constructed to contain all contents and prevent leakage.

F. Record Keeping

a. Medical Records

- (i). The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.1020.
- (ii). This record shall include:
 - A. Then name and social security number of the employee;
 - B. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);
 - C. A copy of all results of examinations, medical testing, and follow-up procedures as required by paragraph (f)(3);
 - D. The employer's copy of the healthcare professional's written opinion as required by paragraph (f)(5); and

- E. A copy of the information provided to the healthcare professional as required by paragraphs (f)(4)(ii)(B)(C) and (D).
- (iii). Confidentiality. The employer shall ensure that employee medical records required by paragraph (h)(1) are:
 - B. Kept confidential; and
 - C. Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.
- (iv). The employer shall maintain the records required by paragraph (h) for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.1020.

V. VACCINATIONS

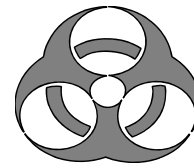
- A. Hepatitis B vaccination shall be made available to all employees with occupational exposure at no cost to the employee according to the requirements and procedures specified in 1910.1030 (f) in Appendix I of this plan. Any employee refusing vaccination must sign a release found in Appendix III. Which will be kept in his/her medical record. If the employee later changes his/her mind and still has occupational exposure, the vaccination will be provided at no cost to the employee.
- B. Vaccination will also be made available to the employee, if exposure incident occurs and the medical provider determines it is necessary, using current U. S. Public Health Service guidelines.

VI. POST EXPOSURE:

- A. Post exposure evaluation and follow-up shall be made immediately available following the report of an exposure incident as defined in Section II, and shall follow the procedures and requirements of 1910.1030 (f) (1) through (6) in Appendix I of this plan.
 - 1. Post Exposure evaluation will be done by the Department Director and the Exposure Control Officer will be notified immediately.
 - 2. The exposure control officer will receive the medical providers written report and insure the employee receives a copy of the report.
 - 3. The exposure control officer shall document the;

- a. Routes of exposure and circumstances of the exposure incident.
- b. Identification and documentation of source individual.
4. Source individual blood shall be tested as soon as feasible according to 1910.1030 (F)(3)(ii)(a).
5. 1910.1030(f)(3)(ii)(c)
6. The Medical Provider will provide post exposure prophylaxis when medically indicated as recommended by the US Department of Service and counseling will be provided by Medical Provider. Public Health

VII. COMMUNICATION OF HAZARDS TO S



EMPLOYEE

A. Labels and Signs

1. Warning labels shall be affixed to containers of regulated waste, containing blood or other potentially infectious material.
2. Labels shall include the following legend:

BIOHAZARD

3. Labels shall be fluorescent orange or orange red with lettering or symbols in a contrasting color.
4. Labels shall be affixed as close as possible to the container by string, wire, adhesive or other method to prevent their loss or unintentional removal.
5. Red bags or red containers may be substituted for labels.
6. Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, shipping, transport or disposal are exempt from the labeling requirement.
7. Labels required for contaminated equipment shall state which portion of the equipment is contaminated.

B. Employee Information and Training

1. All employees identified as having occupational exposure and potential occupational exposure as determined in Section III will participate in a training program.
2. Employees will be trained at the time of initial assignment to tasks where occupational exposure may occur and at least annually thereafter.
3. Additional training shall occur when changes such as modification of tasks or procedures or when new tasks or procedures may affect employees occupational exposure.
4. At a minimum, the training for employees with occupational exposure will include:
 - a. The location of an accessible copy of OSHA's Bloodborne Pathogen Standard 1910.1030 and an explanation of its contents.
 - b. A general explanation of the epidemiology(signs) and symptoms of bloodborne disease.
 - c. An explanation of the modes of transmission of bloodborne disease.(e.g. needle sticks, splashes, wastewater)
 - d. An explanation of this Exposure Control Plan and the location where an easily accessible copy will be kept.
 - e. An explanation of methods employees may use to recognize tasks that may involve occupational exposure.
 - f. An explanation of the methods and their limitations that will present or reduce occupational exposure.
 - g. Information on the selection, limitations, locations, decontamination and proper disposal of personal protective equipment.
 - h. Information on Hepatitis B, Hepatitis A vaccine, including information on its effectiveness, safety, method of administration, benefits of vaccination, and that vaccine will be administered without cost to the employee, as well as information regarding Hepatitis C and HIV.
 - i. Information on appropriate actions and the person to contact in the event of an emergency involving blood or other potentially infectious materials.

- j. An explanation of proper procedures to follow if an exposure incident occurs, including reporting procedures and the medical follow-up that will be made available.
 - k. Information on post exposure follow-up that the employer is required to provide.
 - l. An explanation of the labels and/or color coding system by Department.
 - m. An opportunity for the employee to ask follow-up questions and obtain answers during the training.
5. This record will be maintained for a minimum 3 years.

APPENDIX III

Employee Request/Declination Form for Hepatitis B Vaccine

Employee Name: _____

Department: _____

Date: _____

I understand that due to my occupational exposure to blood or other infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

At this time, I choose **NOT** to have the Hepatitis **B** vaccine: _____

Employee Signature

If I choose not to participate in the Hepatitis B vaccination and later decide that I would like to, I will contact my Department Director.

*Fill this portion out only if you are requesting the
Hepatitis B vaccine series*

I request the Hepatitis **B** vaccine: _____

Employee Signature

I understand that by signing this request to have the vaccine series, that the Village of Ruidoso is paying for the cost of my vaccine series. I also understand that if I choose to not complete the series, I will immediately come to the Human Resource Department and sign the declination form. I also acknowledge that I have received a copy of the procedures for obtaining the vaccine series.

APPENDIX IV

Employee Request/Declination Form for Hepatitis A Vaccine

Employee Name: _____

Department: _____

Date: _____

I understand that due to my occupational exposure to potentially infectious materials, I may be at risk of acquiring Hepatitis A Virus (HAV) infection. I have been given the opportunity to be vaccinated at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis A. If in the future I continue to have occupational exposure to potentially infectious materials and I want to be vaccinated with Hepatitis A vaccine, I can receive the vaccination series at no charge to me.

At this time, I choose **NOT** to have the Hepatitis **A** vaccine: _____

Employee Signature

If I choose not to participate in the Hepatitis A series and later decide that I would like to, I will contact my Department Director.

*Fill this portion out only if you are requesting the
Hepatitis A vaccine*

I request the Hepatitis **A** vaccine: _____

Employee Signature

I understand that by signing this request to have the vaccine series, that the Village of Ruidoso is paying for the cost of my vaccine. I also understand that if I choose to not complete the series, I will immediately come to the Human Resource Department and sign the declination form.

APPENDIX V

This is reserved for individual departmental directives and includes:

Airport Department Directive

Convention Center Directive

Fire Department Directive

Parks & Recreation/Pool/Building Maintenance Directive

June 15, 2000 REVISED

Police Department Directive
Public Library Directive
Purchasing Directive
Regional Wastewater Treatment Plant Directive
Senior Citizen Directive
Street/Vehicle Maintenance Directive
Solid Waste Directive
Village Hall Directive
Water/Wastewater Directive

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcKnight@vuruidoso.com

Manager Directive: Family Medical Leave (FMLA)

Number: MSOP - 04-02

Effective Date: July 26, 2004

Signed: Original Signed by Lorri McKnight, Manager and is filed
In the Executive Secretary Office

Purpose:

To provide employees of the Village of Ruidoso (commonly called "The Village"), an opportunity to balance their work and family lives without fear of losing their jobs or health benefits according to the requirements of the Family and Medical Leave Act of 1993 and subsequent amendments.

The Family and Medical Leave Act, "FMLA" requires covered employers to provide up to 12 weeks in a 12-month period of unpaid, job-protected leave to eligible employees for certain medical family needs. The 12 weeks of leave within a 12 month will be calculated by the Village as a rolling period, measured backward from the date the employee first used Family Medical Leave (FML).

It is noted that the Village has leave accrual benefits that may exceed the 12 weeks of unpaid leave. In this case, placing someone on FML does not mean the employee has to be placed on unpaid leave. The Family Medical Leave will run concurrent with any paid leave. Under this circumstance, placing someone on FML while giving him/her paid leave is assuring that the Village of Ruidoso complies with the FMLA laws.

Procedure:

Eligible Employee: Employees are eligible only if all of the following conditions are met:

1. the employee has worked for the Village for at least 12 months, and,
2. the employee has worked at least 1,250 hours during the last 12 month period preceding the leave date. These hours shall include actual worked hours and any paid leave taken for calculating hours toward service.

Reason for Leave: An employee is entitled to FMLA for any of the following:

1. The birth of the employee's son or daughter and in order to care for such child;
2. The placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter;
3. To care for a covered relation with a serious health condition, or;
4. Because of the employee's own serious health condition, which renders that employee unable to perform an essential function of his/her position, including a work related injury.

Leave because of reasons "1" or "2" must be completed within the 12-month period beginning on the date of birth or placement.

****NOTE**:** In addition, spouses employed by the Village who request leave because of reasons "1" or "2" or to care for an employee's parent with a serious health condition may only take a combined total of 12 weeks leave during any 12-month period.

Serious Health Condition (as defined by the federal FMLA): is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a healthcare provider (see the FMLA of 1993 Federal Regulations for definition of healthcare provider).

The serious health condition must stem from:

Being incapacitated for more than three days that involves continuing treatment; or

Pregnancy, including prenatal care; or

A chronic serious health condition when the condition continues over an extended period of time and requires periodic visits to the health care facility (e.g. asthma, diabetes, epilepsy, etc); or

A permanent or long term serious health condition when the condition may not respond to treatment but supervision of a health care provider is needed (e.g. Alzheimer's, terminal cancer, etc); or

Incapacity due to multiple treatments for restorative surgery.

The attending physician must make the determination. It is not sufficient for the employee to state that he/she is too sick to report to work. The Village of Ruidoso reserves the right to make the final designation of qualified leaves prior to the leave beginning.

Covered Relation: as defined by the Family Medical Leave Act includes the immediate family of spouse, child, or parent. The Village of Ruidoso shall also include the person who acted in the capacity of a parent ("in loco parentis") to the employee when the employee was a child and the employee is currently the primary care-giver. A grandchild is a "covered relation" only where the employee stands in place as the parent.

Notice of Leave: If the need for family/medical leave is foreseeable, the employee is obligated

and **must** give the Department at least 30 days prior written notice. If this is not possible, the employee must at least give notice as soon as possible (within 1 to 2 business days of learning of the need for leave). Failure of the employee to provide such notice may be grounds for delay of leave. Additionally, if the employee is planning a medical treatment, the employee is obligated to consult with the immediate supervisor first, regarding the dates of such treatment. Where the need for leave is not foreseeable, the employee is obligated to notify the Department within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances (such as an immediate medical emergency).

In all instances, an employee is required to submit a completed "Employee Request for FMLA Leave of Absence" form when requesting leave. The employee is responsible for obtaining the approval signatures of the immediate Supervisor and Department Director. In the case of the "extraordinary circumstance, the Department Director will work with the employee to make sure the proper paperwork is completed. When an employee is off for three days, the employee will be placed on tentative FMLA leave pending proper paperwork, forms, and processing of the FMLA leave.

In the event The Village of Ruidoso approves FMLA leave for an employee who is not eligible, the leave will be canceled with reasonable notice to the employee.

If an employee knowingly falsifies any FML document, the employee shall be subject to disciplinary action up to and including termination.

Medical Certification: When the employee requests leave, whether for him/herself or a covered relation's serious health condition, the employee and the health care provider **must** supply the appropriate medical certification within 15 days of the requested leave. The "Certification for Health Care Provider" form may be obtained from the Human Resource Department. As long as the medical provider keeps the Village up to date in a work related injury or illness, the medical certification will not be needed.

The "Certification for Health Care Provider" form must be completed and sent to the HR Department of the Village within 15 days of the request for leave. If the employee provides at least 30 days notice of medical leave, the medical certification must be submitted before leave begins.

Reporting While on Leave: When the employee is approved and is placed on FML, (s)he must contact the Village every 30 days regarding the status of the condition, the intention to return work, and/ or if continued leave is necessary. If continued leave is necessary, the employee shall submit a "Periodic Medical Update" form. In addition, the employee must give notice as soon as possible (within two business days if feasible) if the dates of the leave change or are extended or initially were unknown.

Medical and Other Benefits: Family medical leave is unpaid leave, although the employee may be eligible for other paid leave or workers' compensation benefits. If an employee requests leave (except when the employee is receiving workers' compensation payments) any accrued paid time off such as sick or vacation time will be substituted for unpaid family/medical leave until that benefit has been exhausted. When taking leave due to worker's compensation, the employee can use accrued paid leave for the required seven day waiting period.

The substitution of paid leave time for unpaid leave time does not extend the 12 week FM leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of the base salary. FM qualifying leave will run concurrent with any paid time off, vacation or sick leave accrued hours. In other words, FM leave may be paid or unpaid depending on the amount of accrued paid time off, the employee may have. If available, paid time will be applied as follows, sick leave, vacation leave, unpaid FMLA bank.

If the employee chooses to use any accrued compensatory time off balance s/he may have, this time will not be counted towards the 12 weeks of FML.

Paid time off benefits will cease accruing while on unpaid FMLA leave.

During an approved FM leave, the Village will maintain the employees' health benefits, as if the employee is continued to be actively employed. If paid leave is substituted for unpaid FML, the Village will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his/her portion of the premium through direct payment as designated by the Human Resources department. Premium payments include: Medical/Dental Insurance, Vision insurance, and Voluntary Life Insurance.

The employee's health care coverage will cease if the premium payment is more than 30 days late. If the payment is more than 15 days late, the Village will notify the employee via letter. If the Village does not receive the employee's premium/contribution within 15 days after the date of this letter, coverage will cease.

Intermittent/Reduced Leave: Leave due to a serious health condition, may be taken intermittently (in separate blocks of time (hours, days, weeks), or on a reduced leave schedule (reducing the usual number of hours worked per workweek or workday) only if,

1. it is medically necessary and,
2. with the Department Director's and Manager's approval.

Time applied to FMLA will be tracked by hours taken. The smallest intermittent time increment is 1 hour.

If an employee takes intermittent leave that is unpaid or works on a reduced schedule, the Village will reduce the employee's salary based on the amount of time actually worked.

Exempt employees will be changed to non-exempt-like status (for payroll purposes only) The employee will remain an exempt employee as defined under the FLSA.

In addition, while the employee is on intermittent or a reduced schedule leave, the Village may temporarily transfer the employee to an available, alternative position, which better accommodates the recurring leave schedule.

Coordination with Workers Compensation Injuries: Because the FMLA allows an employer to cover on the job injury or illness, the FMLA and leave for workers' compensation injury will run concurrently for the Village of Ruidoso employees. If an employee is off three days or

longer and the condition meets the definition of a serious health condition, the time off due to a work related injury will be counted towards FML.

If an employee is offered limited duty under workers' compensation, but opts to take medical leave as defined in this MSOP, the employee will not receive workers' compensation indemnity payments.

*** Highly Compensated Employees:** The Village of Ruidoso is not obligated to return highly compensated employees (i.e., highest paid ten percent (10%) of employees at a work site) their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the Village. The Village will make this determination on a case by case basis.

Procedure for Family Medical Leave (FML):

There are two ways to be placed on Family Medical Leave. One is that the employee requesting FML completes a request for leave stating it is for FML and submits it to the department for preliminary approval. The second way is that anytime an employee takes three days or more of unplanned leave, the employee will be placed on preliminary FML pending proper paperwork and approval of leave.

1. The employee is to pick up the FML paperwork from the HR department. If the employee needs the paperwork to be sent, the HR department will send it. It is required that the employee have the paperwork completed and ensure it is returned with the required information to the HR department within the required time limits.
2. Once the HR department receives the completed paperwork, it will send the employee a letter approving or disapproving the leave. If approved, the letter will state the amount due for insurance premium payments, and will explain the periodic medical updates and completion of the return-to-work medical certification.
3. The employee is required to report on the FML status every thirty (30) days as defined by the FMLA. The employee's medical provider is required to complete a "Periodic Medical Update" that can be faxed to the HR department.
4. Return to Work:
 - A. If the serious health condition(s) cease(s) earlier than 12 weeks, the employee will be expected to return to work.
 - B. If the employee is unable to return to work after 12 weeks of leave (or approved paid leave, whichever is longer), The HR Department and the Department Director will assess eligibility for reasonable accommodation under the Americans with Disabilities Act. If no accommodation is feasible, the expected return to work date is unknown, and the employee is still unable to perform the essential functions of the job, it will be considered a voluntary resignation.
 - C. If the employee elects not to return to work at the end of the leave period, the employee may be required to reimburse the Village for the cost of the premiums paid by the Village for maintaining coverage during the leave.

This directive is subject to state leave law interpretations. The Village will grant the greater of

the benefits if state law mandates.

PROCEDURE FOR THE DEPARTMENT DIRECTOR TO FOLLOW WHEN AN EMPLOYEE NEEDS THE FAMILY MEDICAL LEAVE (FML)

Here are the steps to take when an employee may be eligible for FML under the Family Medical Leave Act. Make sure you are familiar with the FMLA Manager's Directive when following these instructions.

Placing the employee on Family Medical Leave when the employee knows in advance that s/he will need time off in the near future because of a qualifying event:

When the employee knows that s/he is going to need time off and requests the time off from you, the employee completes a request for leave stating it is for FML and submits it to you for preliminary approval.

You need to instruct the employee to pick up the FML paperwork from the HR department. If the employee needs the paperwork to be sent, the HR department will send it.

The employee is responsible for making sure the paperwork is completed and ensures it is returned with the required information to the HR department within the required time limits. The time limits are stipulated in the actual directive under "Medical Certification."

Once the HR department receives the completed paperwork, we will send the employee a letter approving or disapproving the leave. If approved, the letter will state the amount due for insurance premium payments, and will explain the periodic medical updates and completion of the return-to-work medical certification.

The employee is required to report on the FML status every thirty (30) days. The employee's medical provider is required to complete a "Periodic Medical Update" that can be faxed to the HR department.

If the serious health condition(s) cease(s) earlier than 12 weeks, the employee will be expected to return to work. If it is the employee who had the serious health condition, the employee will need to bring a release from the health care provider.

If the employee is unable to return to work after 12 weeks of leave (or approved paid leave, whichever is longer), it will be considered a voluntary resignation. Employment will voluntarily terminate for any employee who fails to return from leave.

If the employee elects not to return to work at the end of the leave period, the employee may be required to reimburse the Village for the cost of the premiums paid by the Village for maintaining coverage during the leave.

Placing an employee on Family Medical Leave after s/he has taken off three days of unplanned leave.

Anytime an employee takes three consecutive days or more of unplanned leave, the employee will be placed on preliminary FML pending proper paperwork and approval of leave. This is also

for an on the job injury or illness. The reason it is called “unplanned” and not just sick leave is because an employee may have used all his/her sick leave and calls in to ask for an unscheduled vacation or comp day off due to sickness. When this happens, it may still be covered under the FMLA requirements.

When the employee calls in for an unscheduled day off, you are obligated to make sure you find out why the employee is taking off. Just saying sick is not good enough anymore. You have to know why. This may be something like, flu symptoms, going to the doctor, child has chicken pox, morning sickness, etc.

Do not hold on to this information, pass it on to the HR department as soon as possible. The HR Department will then send the employee a letter telling him/her that s/he has been placed on preliminary family medical leave. The HR Department will then require a health care provider form to be completed by the employee’s health care provider.

The employee is responsible for making sure the paperwork is completed and ensures it is returned with the required information to the HR department within the fifteen (15) day required time limit (see the medical certification part of the directive).

Once the HR department receives the completed paperwork, we will send the employee a letter approving or disapproving the leave. If approved, the letter will state the amount due for insurance premium payments, and will explain the periodic medical updates and completion of the return-to-work medical certification.

The employee is required to report on the FML status every thirty (30) days as defined by the FMLA. The employee’s medical provider is required to complete a “Periodic Medical Update” that can be faxed to the HR department.

If the serious health condition(s) cease(s) earlier than 12 weeks, the employee will be required to return to work. If it is the employee who had the serious health condition, the employee will need to bring a release from the health care provider.

If the employee is unable to return to work after 12 weeks of leave (or approved paid leave, whichever is longer), it will be considered a voluntary resignation. Employment will voluntarily terminate for any employee who fails to return from leave.

If the employee elects not to return to work at the end of the leave period, the employee may be required to reimburse the Village for the cost of the premiums paid by the Village for maintaining coverage during the leave.

Placing an employee on Family Medical Leave after an on the job Injury or illness:

When an employee is placed on FML for a worker’s comp injury or illness, the healthcare provider is not required to fill out the “health care provider” certification. We do not require this because we are already getting that information through the worker’s compensation.

Also, when an employee is placed on the FML due to on the job injury, the HR department will notify him/her in writing to make sure the employee knows we are complying with the FMLA

laws and to make sure the employee knows what the cost of the insurance will be and when the premiums will be due.

VILLAGE OF RUIDOSO EMPLOYEE REQUEST FOR FAMILY MEDICAL LEAVE OF ABSENCE FORM

Date of Request: _____

Employee Name: _____

Department: _____

Employee Mailing Address: _____

Home Telephone #: _____

Section 1: To be completed by employee

Please explain reason for the requested FMLA leave: _____

Please indicate which reason applies.

- ☐ Birth of child
- ☐ Placement of child for adoption or foster care
- ☐ Serious health condition of child, parent or spouse
- ☐ Serious health condition of employee

***see attached definition of Serious Health Condition*

Is this reason work-related? ☐ Yes ☐ No

My leave of absence will begin approximately on _____ and I will return to work approximately on _____. *If pregnancy, please put estimated dates.*

If intermittent time, non-consecutive days or if hours only is needed, please explain.

If this is a request for Family Leave to Care for a Family Member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule. Describe why you need to provide this care during work hours.

I hereby understand that while I am on leave, I will continue to pay my share of *all* insurance premiums. I also understand that if I fail to return to work at the end of my leave period, my employment will voluntarily terminate, including the continuation, recurrence or onset of a serious health condition or because of other circumstances beyond my control and that I will be responsible to pay back all company paid portions of premiums while I was on leave.

Employee Signature

Date

**** Submit this request form immediately. Do not hold this request while waiting for the certification of health care provider form to be completed.**

***** Family Medical Leave-** To be eligible, the employee must have completed at least 12 months of service, and at least 1,250 hours of service during the 12-month period preceding the date the leave will commence.

Section 2: To be completed by Department Director

Acknowledgment of Request:

Supervisor Signature

Date

Human Resource Representative Signature

Date

VILLAGE OF RUIDOSO
CERTIFICATION OF HEALTH CARE PROVIDER
(Family Medical Leave Act of 1993)

TO BE COMPLETED BY PROVIDER
PLEASE COMPLETE LEGIBLY THANKS.

FAX TO HR Department 505-258-5848 or 505-258-5361

1. Employee Name: _____
2. Patient Name (if different from employee): _____
3. The attached sheet describes what is meant by a “**serious health condition**” under the Family and Medical Leave Act. Does the patient’s **condition**¹ qualify under any of the categories described? If so, please check the applicable category.
☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ none of the above
4. Describe the **medical facts** which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

- 5a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient’s present **incapacity**² if different):

- 5b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?
☐ Yes ☐ No

If yes, give the probable duration: _____
- 5c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of **incapacity**².

¹ Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.
² “**Incapacity**,” for purposes of FMLA, is defined to mean inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

6a. If additional treatment will be required for the condition, provide an estimate of the probable number of such treatments: If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

6b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

6c. If a **regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?

☐ Yes ☐ No

7b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential-job functions)? If yes, please list the essential functions the employee is unable to perform: You can also highlight the job description attached showing which functions the employee can perform.

7c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?

☐ Yes ☐ No

8a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation during the employee's work hours?

☐ Yes ☐ No

8b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery and would this comfort need to be during the employee's work hours?

☐ Yes

☐ No

8c. If the patient will need care only intermittently or on a partial basis by this employee, please indicate the probable duration of this need and explain why the care is needed during the employee's work hours:

Signature of Health Care Provider

Type of Practice

Address: _____

Telephone Number: _____

Date: _____

A “**Serious Health Condition**” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care
Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. Absence Plus Treatment
A period of **incapacity**² of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - (a) **Treatment** two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or, on referral by, a health care provider; or
 - (b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy
Any period of incapacity due to pregnancy, or for prenatal care.
4. Chronic Conditions Requiring Treatments
Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - (a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
 - (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - (C) May cause episodic rather than a continuing period of **incapacity**² (e.g., asthma, diabetes, epilepsy, etc.).
5. Permanent/Long-term Conditions Requiring Supervision
A period of **incapacity**² which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatments (Non-Chronic Conditions)
Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of **incapacity**² of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, short term conditions requiring brief treatment and recovery, such as the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are also not serious health conditions.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcknight@voruidoso.com

Manager Directive: Firefighter Progression Schedule

Number: MSOP 02-01.1

Effective Date: 9-13-2004

Signed: Signed Original in Executive Secretary Office

Lorri McKnight, Manager

Purpose:

The Village of Ruidoso is committed to having trained Fire personnel and wants to reward the Firefighter who takes the initiative to continue training. Therefore, the positions of Firefighter, Lieutenant, and Capitan in the Fire department are eligible for automatic increases based on approved training.

Procedure:

It shall be the practice of the Village of Ruidoso to give level increases as follows:

Mandatory Level	After probation (or trial period) and with the following training:																			
	<table><tr><td>FFI</td><td>40 hours</td></tr><tr><td>First Responder</td><td>40 hours</td></tr><tr><td>Vehicle Extraction</td><td>24 hours</td></tr><tr><td>Basic Rope Rescue</td><td>20 hours</td></tr><tr><td>Wildland Fire 130/190</td><td>16 hours</td></tr><tr><td>Emergency Vehicle Operations</td><td>08 hours</td></tr><tr><td>Haz-Mat 1st Responder</td><td>08 hours</td></tr><tr><td>Confined Space</td><td>08 hours</td></tr><tr><td>Blood Borne Pathogens</td><td>04 hours</td></tr><tr><td>Total</td><td>168 hours</td></tr></table>	FFI	40 hours	First Responder	40 hours	Vehicle Extraction	24 hours	Basic Rope Rescue	20 hours	Wildland Fire 130/190	16 hours	Emergency Vehicle Operations	08 hours	Haz-Mat 1 st Responder	08 hours	Confined Space	08 hours	Blood Borne Pathogens	04 hours	Total
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Confined Space	08 hours																			
Blood Borne Pathogens	04 hours																			
Total	168 hours																			
Employee is responsible for keeping the mandatory training current at all times.																				
This training must be obtained within one year from date of hire into this position.																				
Level Increases after mandatory:	In order to be eligible for a level increase, an employee must complete 200 hours of approved training.																			

Approved Training Courses:

Training courses are subject to the approval of the Chief or the Chief's designee. Accredited college courses will not be approved in the training hours until a degree is obtained. See below for approved college degree.

Updates:

Certain training or classes require periodic updates. If the employee does not keep the level current, the employee shall lose the level pay increase until such time as the level is once again maintained.

College Degrees:

Related Fire degree, as approved by the Chief and the Village Manager:

Once employee has obtained related Associates Degree (2 yr) = 200 hours

Once employee has obtained related Bachelors Degree (4 yr) = additional 200 hours

If an employee receives the related four year degree without getting the two year degree first, the employee will be credited with 400 hours of training.

Speciality Pay:

See the Village's Speciality pay for EMT certification.

Current and Future Levels:

In the event an employee completes more than 200 approved hours, the excess hours will be applied to the next level. An employee may receive no more than one level increase per year.

Officer Training:

When an employee is promoted to or hired as an officer (Lieutenant or Capitan), the employee must complete the officer training within one year from date of hire into that position. This is considered part of the Officer's mandatory training. This means that an Officer must have not only the 168 hours of entry level training but also 16 hours additional hours of officer training.

Other Increases:

Employees eligible for this Fire progression policy are not eligible for the service credit pay. However, employees are eligible for council approved cost of living adjustments and properly submitted and approved one time merits.

Maximum:

Fire employees shall not be entitled to pay over the maximum annual base wage for the position.

VILLAGE OF RUIDOSO

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive Ruidoso, New Mexico 88345

Phone: 505-258-4343 Fax: 505-258-5361 E-Mail: LorriMcKnight@voruidoso.com

Manager Directive: Hazard Communication Program

Number: MSOP - 02-02

Effective Date: November 1, 2005
June 23, 2000

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

Purpose:

The purpose of this program is to insure that the hazards of all chemicals produced or brought on to Village of Ruidoso property are evaluated, and that information of their hazards is transmitted to employees and outside contractors. This transmittal of information shall be accomplished by means of comprehensive hazard communication programs, which include container labeling, material safety data sheets, and training of employees and outside contractors.

Scope:

The scope of this program shall include all chemicals present in the workplace that employees are or could be exposed too. Chemicals shall include; any element, chemical compound or mixture of elements and/or compounds. The scope of this program shall include information concerning the labeling, material safety data sheets, and the training program as they apply to chemicals that employees may be exposed under normal conditions of use or in a foreseeable emergency.

Procedure:

Hazard Determination:

Chemicals brought to the Village of Ruidoso shall depend upon the chemical manufacturer for hazard evaluation of all products imported into the facility. This hazard determination, contained on the material safety data sheet supplied by the manufacturer, and the precautions listed shall be followed by all employees.

Chemicals manufactured at the Village of Ruidoso: The Department Director or designee

shall take responsibility for all chemicals manufactured at our facility including those that may be by-products produced at our facility. We will evaluate hazards, label, produce material safety data sheets, and train employees on determinations and precautions. Before remodeling, rebuilding, or demolition of any part of our facilities is allowed, management shall provide training to employees of any potential chemical hazards of such work (IE. Breaking cement creates silica dust).

LABELING PROGRAM

Each container of chemicals entering or leaving the workplace shall be labeled as per pertinent federal regulations. Labeling shall include the following: manufacturer, phone number, address, chemical identification, appropriate hazard warnings (including target organ). For metals, the required label may be transmitted at the time of the initial shipment and need not be included with subsequent shipments unless the information on the label changes. This exemption is for the metal only and does not apply to the hazardous chemicals used in conduction with, or known to be present with, the metal and to which employees handling the metal may be exposed (for example, cutting fluids or lubricants).

In-plant labeling program: The Department Director or designee have been designated as the responsible person for ensuring that all in-plant containers are labeled. Should any containers be found without a label, this person shall be responsible to replace the label. All incoming shipments of chemicals shall be inspected for labeling before accepting the shipment.

Labeling for chemicals being shipped: The Department Director or designee have been designated as the responsible person for ensuring that all chemicals being shipped are properly labeled. The departments shall use their appropriate labels for all chemicals being shipped out.

The designated and responsible persons shall review labeling procedures on a regular basis. Should this review show deficiencies in the labeling program, the deficiencies shall be brought to the attention of management. Management will determine how to up-date the labeling program to correct any and all deficiencies.

MATERIAL SAFETY DATA SHEETS:

Obtaining MSDS's: The Department Director or designee is the responsible person to obtain all MSDS's from suppliers and contractor's. Once obtained they shall be cataloged as per below procedures. Should any chemicals be found at the facility without an MSDS, the designated person will contact the supplier or manufacturer immediately. The missing MSDS's will be faxed or be provided as quickly as possible. The designated person shall be responsible to meet with all outside contractors before work begins to exchange MSDS's and then on a regular basis to stay current as to all chemicals located or being used at the facility.

Maintenance of MSDS's: The Department Director or designee is designated as the responsible person to maintain all MSDS's received. MSDS's shall be maintained in each department.

The master copy of all MSDS's shall be maintained in each Department. The Police and

Fire Department will have a complete master copy of all departments MSDS's. The MSDS's in these notebooks shall be kept in alphabetical order and cross referenced to the departments in which they are stored and used. The index of this maintenance will provide a complete listing of chemicals at the facility and their location within the facility. The cross index listing of all chemicals shall be up-dated whenever an MSDS's is added or deleted from the facility.

Each Department shall be provided with an MSDS's notebook containing all MSDS's of chemicals stored and used in the area. These notebooks shall keep the MSDS's in alphabetical order by product name and crossed reference with the chemical name for ease of use by all employees and outside contractor employees.

These Department MSDS's notebooks shall be up-dated whenever there is an addition or deletion of any chemical in the Department.

MSDS's shall be in English and when necessary and at least annually provided in other languages to meet the needs of current employees. They shall be filed in alphabetical order matching the name shown on the container label. Names other than listed on the label shall not be used.

Material safety data sheets shall contain at a minimum the following:

1. the contents chemical and common names,
2. the permissible exposure limit and threshold limit value if applicable,
3. physical and chemical characteristics,
4. health hazards, including signs and symptoms of exposure,
5. primary route(s) of entry to the human body,
6. precautions for safe handling and use,
7. procedures for clean-up of spills, leaks, and releases,
8. emergency and first aid procedures,
9. date of preparation and dates of up-dates,
10. name, address, and telephone number of manufacturer,
11. personal protective equipment necessary for safe handling and use.

Coordination of MSDS's with Outside Contractors:

The Department Director or designee is the responsible person to coordinate the exchange of MSDS's with outside contractors. This information shall then be cataloged and up-dated to all applicable MSDS notebooks. The exchange of information required to protect both outside contractor employees as well as the Village of Ruidoso employees is as follows: copies of MSDS's exchanged, quantity of each chemical at the site, and the location of each chemical at the site.

Labeled and unlabeled pipes: the piping systems in use in each department have been identified by the Department Director or designee, and this information has been provided to all employees during their education sessions. All pipelines in this area which contain hazardous chemicals are identified in Appendix I. The normal work practices performed in this area should preclude any hazard to our employees.

Only those employees who have received proper and complete training for emergency response shall perform any duties during an incidental leak, spill or release situation.

There are certain non-routine tasks performed in conduction with these piping systems which could create a hazard for those employees performing those tasks. These are listed by department in Appendix I. Employees who would perform these tasks have been informed of the hazards associated with these tasks at their training sessions. They have also been informed of the personal protective equipment required when performing these tasks. "Reminders" will also be provided to these employees engaged in these non-routine tasks prior to the actual performance of these tasks.

RESPONSIBILITY PROFILES

There are three (3) major categories of responsibility that are essential to the effective implementation of this program. They are:

- ◆ The "Right-to-know" Coordinator
- ◆ Hazard Communications Training Instructors
- ◆ All Village of Ruidoso Employees

The following sections define the roles played by each of these groups in carrying out the program.

The "Right-To-Know" Coordinator

The Department Director or designee is the "Right-To-Know" coordinator. They will be responsible for overall management and support of the operations hazard communication program. Activities which are delegated to the right-to-know coordinator include, but are not limited to:

- ▶ overall responsibility for implementing the hazard communication program for the entire operation.
- ▶ develop and administer any additional policies and procedures needed to support the effective implementation of this program.
- ▶ revise and up-date this program as necessary.
- ▶ collect and maintain a suitable reference file on the federal hazard communication regulations and chemical safety information.
- ▶ act as liaison during OSHA inspections.
- ▶ maintain master inventory list(s) of hazardous chemicals, MSDS file and the written communication program.
- ▶ maintain work area inventory list(s) of hazardous chemicals.
- ▶ conduct yearly audits to maintain an up-to-date hazardous chemical inventory.
- ▶ delegate responsibility to appropriate personnel for support of the hazard communication program. Such activities will include:
 - designation of an alternate "right-to-know" coordinator.
 - designation of hazard communication trainers.
 - designation of personnel responsible for requesting and collecting MSDS's from all manufacturers and suppliers.
 - designation of personnel to develop MSDS's for hazardous materials produced (or are by-products) at this facility.
 - designation of personnel responsible for labeling containers holding hazardous chemicals.
 - designation of personnel responsible for conducting periodic audits to update hazardous chemical inventory and to assure general compliance with the program.

Department Directors or designee person will be responsible for the on-site management of the hazard communication program. Activities which they will be held responsible for include:

- ▶ see that all employees in their work area have received training in the hazard communication program before beginning work in their area.
- ▶ see that all employees in their work area properly use personal protective equipment.
- ▶ maintain a supply of personal protective equipment (i.e. gloves, face shields, respirators, etc.), as necessary.
- ▶ maintain an inventory list of hazardous substances in their work area in conduction with this program.
- ▶ informing all affected employees of any and all new chemicals brought into the work area.
- ▶ insure all containers, including transfer containers, are appropriately labeled.
- ▶ consult with right-to-know coordinator regarding any questions concerning the hazard communication program and any new hazardous chemicals in the work area.

HAZARD COMMUNICATION TRAINING INSTRUCTOR

The hazard communication trainer will be responsible for the education and training of all personnel who are exposed to or handle hazardous substances. Activities falling under the direction of the trainer include:

- ▶ maintaining an up-to-date list of all personnel employed or contracted with the Village of Ruidoso. (working in conjunction with the Human Resource Department).
- ▶ developing suitable training programs utilizing the methods identified in this program.
- ▶ scheduling periodic training seminars for affected employees.
- ▶ maintaining appropriate training documentation such as sign-in sheets, manuals, quizzes, etc.
- ▶ periodically reviewing the training programs with the right-to-know coordinators and designee to include appropriate new information.

Safety Counselling Inc and Ruidoso Fire Department have been selected to be the **Village of Ruidoso** hazard communication trainer. With the exception of All New Employees who will be trained initial by the Department Director or designee.

EMPLOYEES

As with all of the companies activities, the employees have the most important role in the hazard communication program, for the ultimate execution of the program rest in their hands. In this role employees must:

- ▶ know which chemicals in their work area are hazardous.
- ▶ attend and attentively gather information from the hazard communication training sessions conducted by the hazard communication trainer.
- ▶ become familiar with the information on the MSDS's for the hazardous chemicals in their Department.
- ▶ observe all the handling precautions noted on the MSDS's and as discussed in the training sessions.
- ▶ inform Department Director or designee:
 - before performing a non-routine task in which hazardous chemicals are involved.
 - when encountering hazardous materials in the work area which are either not labeled properly, not identified in the inventory listing, or do not have an MSDS'S in the right-to-know compliance manual.

Hazardous Chemical Lists

A hazardous chemical list has been compiled for our operations from inspection/inventories conducted. Additional inspection/inventories are and will be conducted periodically to assure the accuracy of this list. In general, we will rely on the material safety data sheet (MSDS'S) information provided by the manufacturer or supplier to determine if a specific chemical or product is to be included in the "hazardous chemical list". In situations where products are unique mixtures or where no data is available, the hazard determination procedure outlined in the "hazard determination" section of this plan will be used as a method of evaluation.

The following classes of materials are, however, excluded from the hazard determination requirements contained with this program, as provided by OSHA [ref. 29 CFR 1910.1200(b)(6)] and, therefore, have not included on the hazardous chemical list:

- ★ any federally regulated hazardous waste
- ★ tobacco or tobacco products
- ★ wood or wood products (unless the downstream use creates a potential for hazardous exposure; IE. Cutting, sawing, grinding, etc.)
- ★ articles
- ★ food, drugs or cosmetics intended for personal consumption by employees while in the workplace
- ★ any drug, as that term is defined in the federal food, drug, and cosmetic act, when it is in solid, final form for direct administration to the patient (IE. Tablets or pills).

The hazardous chemicals list four operations located in your specific Department.

Recognizing that a significant “employee right” under the standard is to receive a copy of this list, the Department Director or designee has been assigned the responsibility of making sure that all employees requesting copies of the list receive them within five (5) working days of the date the list is requested. To make sure that employees have “Department access” to this list, copies of the hazardous chemical list are also kept at appropriate locations throughout our Department areas, along with copies of MSDS’s for chemicals used in the surrounding Department areas.

Hazardous substance lists and material safety data sheets for each Department:

The material safety data sheets (MSDS’s) in this section are broken down by each Department (or locations) where they are used or stored within the facility.

HAZARD COMMUNICATION EDUCATION AND TRAINING

Pursuant to the hazard communication program, an employee education and training program has been instituted at our facility regarding the handling and related dangers of exposure to chemicals in the work place. All personnel who are exposed to chemical hazards in their job assignments will be trained at the time of their initial assignment, and whenever circumstances in the workplace change involving the addition of a new hazard, or new hazardous chemical. All new employees will be trained by the Department Director or designee as part of our “new employee orientation program” so that they are adequately prepared to deal with the chemicals they will be using and are exposed to in their new jobs. Additionally, this education and training program will be given to all of our employees at least annually, by the hazard communication training instructor, to keep their knowledge in these areas current. Should an employee transfer to a new job position their will be additional training provided to prepare that employee for the potential chemical exposures related to the new position.

The topics covered in the education program include, but not limited to, all of the following subjects:

- ▶ the 29 CFR 1910.1200 hazard communication standard.
- ▶ all employee rights under the standard.
- ▶ all employee responsibilities under the standard.
- ▶ the location and contents of our hazard communication program and “right-to-know compliance manual”.
- ▶ the work area hazardous substance list.
- ▶ the work area material safety data sheet notebook.
- ▶ physical and health hazards associated with the types of hazardous chemicals identified on the list.
- ▶ methods and observations which can be used by employees to detect the presence of hazardous chemicals in the work area.
- ▶ engineering controls that have been instituted to reduce the potential exposure of hazardous substances to the employees.
- ▶ recommended work practices for the employees to follow to protect themselves from exposure.
- ▶ appropriate personal protective equipment to be used to protect the employees from potential exposures.
- ▶ location and availability of personal protective equipment.
- ▶ proper use, care, and maintenance of personal protective equipment that

- employees are expected to utilize.
- ▶ to read and interpret information contained on the material safety data sheets.
- ▶ how to read and interpret container labeling information.
- ▶ emergency procedures and first aid procedures required during an incident involving a hazardous substance.
- ▶ a review of the terminology used in the hazard communication program, including that which is found on MSDS's and labeling.
- ▶ a review of any and all hazardous substances brought on the property by contractor's and sub-contractor's.
- ▶ a review of the hazards of non-routine tasks.

Our education and training presentations make use of several **training techniques** including, but not limited to, those listed below:

- ▶ classroom type atmosphere with personal instruction. This is provided by a competent instructor for the topic being presented.
- ▶ videotape programs are used as a training aid not as a training program and consist of no more than one third of the training provided for this program.
- ▶ employee handouts/training manuals will be used to supplement this training program and employees are expected to take notes.
- ▶ supervisors are expected to implement review sessions with employees periodically to assess the retention of the material presented.
- ▶ a competency quiz is taken by all employees following the presentation of materials to assess the adequacy of the training program, and the understanding of the employees.

These activities are being conducted/overseen by our hazard communication trainer.

Training, scheduling, and documentation: to facilitate the training of all our employees, as well as document the training process, we have developed several tools for use in these areas. A tracking system has been developed that will perform the following tasks:

- list all employees date of initial training, last review, and last update training session.
- list work area that each employee has been trained to work in.
- listing of the next review date and up-date training for each employee.
- copy of each employee's competency quiz shall be kept on file.
- copy of each employee periodic review shall be kept on file.

APPENDIX I

List of each Departments Piping Tasks and Chemical Hazard

Street Department (see attachment)

Water Plant # (see attachment)

Water Plant # (see attachment)

Water Plant # 4 (see attachment) **Location Grindstone Lake**

Wastewater Treatment Plant (see attachment)

APPENDIX II

CHEMICAL INVENTORY LIST

[illegible]

APPENDIX III

Contractor Orientation Form Hazard Communication Information

**Contract work assessment
work to be performed**

Area in which work will be performed

Location(s) of MSDS's for _____
Master copy is in the _____ work area specific book in each area

Location(s) of MSDS's for contractor

It is the intent of _____ to comply with all federal occupational safety and health regulations & provide a safe and healthy work environment for our employees. We have developed and implemented a hazard communication directive for all its' employees. We have developed a hazardous chemical inventory which is provided for all contractors during orientation. This information is made available to you and your employees in compliance with the OSHA federal hazard communication standard.

Please be advised that you are required to submit to _____ of our staff a material safety data sheet for any and all hazardous products that you plan to bring into our workplace. These MSDS's must be submitted **before** the material is brought into our work areas. Your cooperation in this matter is required by law and appreciated.

A special orientation will be held for all contractors to inform them of the hazardous products in use at our facility. Contractors will be informed as to the location of material safety data sheets, location of the written hazard communication program, special hazards of labeled and unlabeled pipes, and an explanation of the labeling system used by **our company**.

At this orientation the contractor shall inform _____ of all hazardous products that the contractor intends to bring into the facility, provide MSDS's for those hazardous products, and explain their labeling system.

Contractor approval:

I have reviewed _____ hazard communication program, material safety data sheets, in-plant labeling program, and attended the orientation. I shall be responsible to communicate this information to our employees. I also agree to provide material safety data sheets of all hazardous materials we intent to bring into the facility. It is also agreed that I have attended the hazard communication program orientation. I am

signing this on behalf of;

Contractor

Address

City, State, Zip

Telephone

Authorized Signature

Date

Approval:

I have reviewed all materials submitted by the outside contractor and find them to be in proper order. All MSDS's, labeling program, written hazard communication program, and orientation has been attended by contractor. The information provided by contractor shall be communicated to all affected employees.

Authorized Signature

Date

APPENDIX IV

This is reserved for individual departmental directives which include:

Airport Directives

Convention Center Directives

Fire Department Directives

Parks & Recreation Directives

Police Department Directives

Public Library Directives

Purchasing Directives

Regional Wastewater Treatment Plan Directives

Senior Citizens Directives

Solid Waste Directives

Street/Vehicle Maintenance Directives

Village Hall Directives

Water/Wastewater Directives

Village of Ruidoso
Lorri McKnight, Manager
Manager Standard Operating Procedure
313 Cree Meadows Drive · Ruidoso, New Mexico 88345 Phone: 505-258-4343
Fax: 505-258-5361 E-Mail: LorriMcKnight@vouruidoso.com

Manager Directive: Lockout / Tagout

Number: MSOP-03-04

Effective Date: December 9, 2003

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

General

Lockout is the preferred method of isolating machines or equipment from energy sources. Following this simple procedure for use in lockout or tagout programs will help you develop a procedure which meets the requirements of the Lockout/Tagout standard. This procedure may be used when there are limited numbers of types of machines or equipment or there is a single power source. For more complex systems, a more comprehensive procedure will need to be developed, utilized, and documented.

Purpose

This procedure establishes the minimum requirements for the lockout or tagout of energy isolating devices so that employees are protected. It shall be used to ensure that the machine or equipment is isolated from all potentially hazardous energy, and locked out or tagged out before employees perform any servicing or maintenance activities where the unexpected energization, start-up or release of stored energy could cause injury.

Responsibility

Appropriate employees shall be instructed in the safety significance of the lockout or tagout procedure of employees authorized to lockout or tagout. Each new or transferred affected employee and other employees whose work operations are or may be in the area shall be instructed in the purpose and use of the lockout or tagout procedure.

1. Management

Overall responsibility for this program.

Individual Department Director or designee shall train new employees and periodically instruct their employees regarding the provisions and requirements of this program.

Each Department Director shall effectively enforce compliance of this program.

Prior to setting up, adjusting, repairing, servicing, installing or performing maintenance work on equipment, machinery or processed the Department Director or designee shall determine and instruct both authorized and affected employees of the steps to be taken to ensure they are not exposed to injury due to unintended machine motion or release of energy.

2. Employees

Employees shall comply with the lockout/tagout program.

Employees shall consult with their Department Director or Supervisor or other appropriate knowledgeable personnel whenever there are any questions regarding their protection.

Employee shall obtain and care for the locks and other devices required to comply with the lockout procedures.

Terminology

Affected Employee - An employee who performs the duties of his or her job in an area in which the energy control procedure is implemented and servicing or maintenance operations are performed. An affected employee does not perform servicing or maintenance on machines or equipment and, consequently, is not responsible for implementing the energy control procedure. An affected employee becomes an “authorized” employee whenever he or she performs servicing or maintenance functions on machines or equipment that must be locked or tagged.

Authorized Employee - An employee who performs servicing or maintenance on machines and equipment. Lockout or tagout is used by these employees for their own protection.

Capable of being locked out - An energy-isolating device is considered capable of being locked out if it meets one of the following requirements:

1. It is designed with a hasp to which a lock can be attached;
2. It is designed with any other integral part through which a lock can be

affixed;

3. It has a locking mechanism built into it; or
4. It can be locked without dismantling, rebuilding, or replacing the energy isolating device or permanently altering its energy control capability.

Energized - Machines and equipment are energized when (1) they are connected to an energy source or (2) they contain residual or stored energy.

Energy-Isolating Device - Any mechanical device that physically prevents the transmission or release of energy. These include, but are not limited to, manually-operated electrical circuit breakers, disconnect switches, line valves, and blocks.

Energy Source - Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

Energy Control Procedure - A written document that contains those items of information an authorized employee needs to know in order to safely control hazardous energy during servicing or maintenance of machines or equipment.

Lockout - The placement of a lockout device on an energy-isolating device, in accordance with an established procedure, ensuring that the energy-isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Tagout - The placement of a tagout device on an energy-isolating device, in accordance with an established procedure, to indicate that the energy-isolating device and the equipment being controlled may not be operated until the tagout device is removed.

Tagout Device - Any prominent warning device, such as a tag and a means of attachment, that can be securely fastened to any energy-isolating device in accordance with an established procedure. The tag indicates that the machine or equipment to which it is attached is not to be operated until the tagout device is removed in accordance with the energy control procedure.

Policy

The requirements of this program shall apply to all activities such as construction, installation, set-ups, adjustments, inspections, modifications and maintenance of systems, equipment or machinery on Village of Ruidoso premises.

This program does not apply to the following:

- Equipment's power supply that can be controlled by a single plug and the plug can be under the exclusive control of the person conducting work on the equipment and it is in

close proximity.

- Normal production operations that includes servicing and maintaining the equipment is guards have not been removed or replaced, or a person is not required to place any body part with in the systems when processing is occurring or into a danger zone.
- On systems where it can be demonstrated that continuity of services is essential, shutting the system down is impractical, or documented procedures are being followed and special equipment is used which will provide proven effective protection for employees.

AUTHORIZED PERSON

A person who has completed lockout/tagout training, and has been appointed, and is authorized to lock and tag equipment as a representative of the Village of Ruidoso.

AFFECTED EMPLOYEE

An employee of the Village of Ruidoso whose job duties require the person to use or operate equipment that is under the control of a lock or/and tag and whose job duties require the person to work near equipment that could adversely impact the person.

GENERAL ASSUMPTIONS OF THE LOCKOUT/TAGOUT PROGRAM

- The locks and tags will be used as protection by an authorized person and as a warning device for personal protection.
- The use of a lock to control an energized source is required. Tag control will not be used unless there is no way to use locks and all conditions of [1910.147©\(2\) & \(c\)\(7\)\(ii\)](#) are met (i.e. that tagout is only allowed once and then the equipment is modified to accept lockout). If not capable of lockout, then tagout must provide the same level of protection as lockout, that everyone knows not to remove tags, that tags are a visual indicator but do not prevent anyone from removing the tag, and restoring energy.
- No person shall remove another person's LO/TO unless the Alternate Removal of a Lock or Tag Procedure is followed (see below).
- No LO/TO will be applied for another person.
- No one will work on a LO/TO piece of equipment unless they have applied their own LO/TO and are authorized to do the work.
- Locks and tags will remain for the duration of the work.
- Multilock "HASPS" shall be used with additional authorized person's locks and tags.

- For equipment that will not accommodate “HASPS” a lock box will be employed for use.
- If a lock is purchased with more than one key, the other keys should be destroyed.
- The designated lock color for all of the Village’s locks is **RED**.

SIMPLE LOCKOUT/TAGOUT VERSUS A WRITTEN SPECIFIC CONTROL PROCEDURE

The Village of Ruidoso’s simple lockout and tagout control of energy source is applicable when there is one energy source, one disconnection means of that energy source, and means to disconnect is readily identifiable. A written procedure shall be developed and implement by the Departments to control the energized sources when there is one energy source and two or more disconnecting means; or two or more energy sources with no readily identifiable disconnecting means; a disconnection means of a lockout tagout tag with safety significant system; or shift personnel changes.

SIMPLE LOCKOUT PROCEDURES

The Village Ruidoso’s simple lockout and tagout procedure requires the following steps be followed:

1. Evaluate possible energy sources on or near the equipment. If more than one type or source of energy you can not use simple lockout procedure.
2. Complete the information on the lockout/tagout permit.
3. Follow normal shutdown of equipment.
4. Isolate equipment.
5. Use authorized locks (e.g. color-coded) or tags to secure isolated equipment
6. Relieve any stored energy from the equipment.
7. Verify systems are de-energized.
8. Attempt to restart the equipment in its de-energized state.
9. Test for zero voltage.
10. Return controls to neutral or off position.
11. Proceed with work.

SIMPLE TAGOUT PROCEDURES

The Village of Ruidoso’s simple tagout procedure require the following steps to be followed:

1. If a lock cannot be applied then a tag will be used when written documentation is provided as to why locks cannot be used.
2. Use an approved tag and means of attachment.

3. Document that all conditions of 1910.147 (c)(7)(ii) have been met as have been mentioned in the authorized employee paragraph.
4. Follow the simple lockout procedure using a tag in place of a lock.

COMPONENTS OF THE SIMPLE WRITTEN WORK PROCEDURE FOR LOCKOUT/TAGOUT

The components of the Village of Ruidoso's lockout/tagout procedure include:

- Describing the equipment and its location.
- Listing sources of energy and the location points for the energy sources.
- Defining if a group lock "HASP" will be needed and the Department Director, or designee will be the primary lead authorizing Village employees.
- Defining if department shift personnel are involved the Department Director, or designee will be the primary lead authorizing person.
- Defining if shift personnel are involved and who are their counterparts on the other shifts.
- Describing the specific steps to shut down the equipment, the methods of isolating the equipment, the methods to verify the isolation step of the equipment, and the methods for testing the isolation. This will be in writing.
- When locks can not be used, then written documentation as to why, will be provided and all conditions of the 1910.147 (c)(7)(ii) and ©)(2) will be met, and how the equipment will be modified to accept lockout for the next time.
- When a tag is applied, ensuring it is placed in a clearly visible location.
- When a tag is applied, but cannot actually secure the energy-isolating device, ensuring the tag is placed as close to the device as possible.
- Gaining authorization from the Department Director, or designee for the procedure.

ALTERNATE REMOVAL OF A LOCK AND TAG PROCEDURE

- Confirm that the authorized person who applied the lock and tag is unavailable, and document this. Make a reasonable effort to inform the original authorized person that the lock and tag needs to be removed, and document how the employee was notified and when.
- Provide the equivalent level of safety by inspecting the work area or process with the

Department Director or Supervisor, before removing the lock and tag and document this process. Only the Department Director using these steps can remove the locks and tags placed by someone else.

- Ensure that the authorized person informs the employee who originally placed their lock and tag that the lock and tag was removed and document how and when this was done.
- Follow the steps of “Returning a System to Service.”

RETURNING A SYSTEM TO SERVICE

- The Village employees will check the immediate area around the isolated piece of equipment or isolation point for safe conditions.
- The Village employees will check that personnel who are around equipment are not in any associated danger zone.
- For facility equipment, the Village employee will notify the Department Director, or a designee to obtain authorization to return the equipment back to service from the person.
- For programmatic equipment, the Village employee will notify the Department Director, or a designee to obtain authorization to return the equipment, back to service from the person.
- After notification and authorization have been granted Village employees will:
 1. Notify potentially impacted personnel of the re-energizing of the system or equipment.
 2. Gain authorization to re-energize (by signature if at all possible).
 3. Remove locks and tags.
 4. Re-energize and retest systems and ensure the equipment or system is safe to operate.
 5. Return the equipment or system back to a neutral state of operation if different from the test condition.

TRAINING

The Village of Ruidoso employees shall have to complete site-specific classroom lockout/tagout training before the Department Director can designate the employee as an

authorized person. All authorized person will need retraining once every two years.

The effected Village employees, shall be instructed about the purpose of lockout/tagout procedures and the prohibited action of restarting or re-energizing equipment that has been locked or tagged out. The training will be provided to the effected employees.

Contractor personnel will met and abide by the Village's program.

INSPECTION

A periodic inspection of the lockout/tagout program will be done by each department that has to do lockout/tagout. This periodic inspection will be done by the Department Director or their designee on at least one authorized employee a minimum of once a year.

This inspection will be documented and the document will contain the following information;

The name of the inspector and the individual doing the lockout/tagout.

The equipment, machine, or system the lockout/tagout is applied to.

A copy of the written lockout procedure.

The date and time of the lockout/tagout.

A review of the employee's responsibilities regarding lockout/tagout and correction of any deviations or inadequacies identified during the inspection.

LOCKOUT/TAGOUT

The following departments are required to use lockout/tagout; Streets, Water, Wastewater Collections, Wastewater Treatment. These departments are required to compile a list of equipment, machines, and/or systems that need to be lockedout/taggedout when being worked on and the departments will have written step by step instructions on how to do this before any work can be done. A copy of these procedures will be kept close to where the actual lockout/tagout is done.

RECORDS

The Village of Ruidoso will complete and archive the following documents:

- The completed lockout/tagout tag for the lockout/tagout operator. Use the tag as a record of the lock and tag's application.
- The specific written procedure for the application of a tag and lock.

- The specific written documentation of the “Alternate Removal of a Lock or Tag”.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

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Manager Directive: Police Department Promotional Policy

Number: MSOP 99-01.1

Effective Date: August 1, 1999

Revised: August 8, 2003

Signed: Signed Original in Executive Office

Lorri McKnight, Village Manager

I. GENERAL

The Police Promotional Policy is for Corporal, Sergeant, Detective, and Lieutenant positions.

II. PROMOTIONAL REVIEW BOARD:

A. The Promotional Review Board shall be appointed by the Village Manager and shall consist of the Manager or designee as a non-voting member and one officer from each commissioned Police class.

B. Appointing the Board:

1. Those officers interested in serving on the Promotional Review Board shall submit a written request to the board. The board shall submit recommendations to the Village Manager.
2. The Village Manager shall take the recommendations into consideration when making the appointment but the final decision shall be the Manager's.
3. If a member of this Board is promoted, the promoted employee shall give up the seat on the Board due to the fact that there must be one officer from each commissioned Police class. If the promoted officer wishes to be

considered for another opening then the officer shall submit written application as stated in item one above.

- C. The Promotional Review Board shall be responsible for:
 - 1. Recommending updates for police promotional policies
 - 2. Creating the questions for the Oral Assessment Committee
 - 3. Meeting after promotional testing as needed to review the procedures
 - 4. Organizing the evaluation rating for each promotional testing
 - 5. Setting the criteria for awarding points for scoring.
 - 6. Scoring and tabulation of all portions of the examination
 - 7. Choosing the Oral Assessment Committee as needed for the oral interview.
- D. At any time the Promotional Review Board may vote to refuse a member from temporarily participating due to a conflict of interest or other justified reason.
- E. Any board member testing shall be excluded from the preparation of the upcoming exam which the member is testing.

III. TESTING:

Testing shall consist of an objective examination process entailing a

written examination,
overall evaluation rating,
seniority compilations score (length of service),
oral assessment committee interview, and
personal interview.

However, for certain positions testing for the Lieutenant position there is an abbreviated testing procedure consisting of the

Oral assessment committee interview, and
personal interview.

IV. ELIGIBILITY:

Eligibility Date refers to the date of hire or date of previous promotion to date of the promotional examination.

- A. Lieutenant: This position is a tested position that is used as an interim position for the Captain position. Due to the element of experience and

training it takes to become a Captain, the Lieutenant position is used to give a Sergeant an opportunity to work towards the Captain position. The Lieutenant position will be an active position until such time as the Chief deems the Lieutenant experienced enough to become Captain. Once the department has a Captain, the Lieutenant position shall be left vacant until the Captain position is vacated. The Captain position shall have all the protection that a tested Lieutenant has.

If the Captain position becomes vacant, eligible Sergeants can test for the Lieutenant position. To be eligible for the promotional examination, the employee must be a non probationary Sergeant or Detective Sergeant and have at least two (2) years continuous employment as a Sergeant or Detective Sergeant with the Ruidoso Police Department prior to the date of the promotional examination.

- B. Detective Sergeant: When there is a budgeted vacant position for Detective Sergeant, the vacancy will be opened to all Sergeants.

If only one eligible Sergeant is interested, the employee shall be promoted without testing.

If there is more than one eligible candidate interested, then the abbreviated testing shall take place for the interested candidates.

If there is no eligible or interested Sergeant candidate, then non probationary employees with at least two (2) years continuous employment as a Corporal Ruidoso Police Department prior to the date of the promotional examination are then eligible to test.

- C. Sergeant: When there is a budgeted vacant position for Sergeant, the vacancy will be opened to all Detective Sergeants.

If only one eligible Detective Sergeant is interested, the employee shall be promoted without testing.

If there is more than one eligible candidate, then the abbreviated testing shall take place for the interested candidates.

If there is no eligible or interested Detective Sergeant candidate, then non probationary employees with at least two (2) years continuous employment as a Corporal Ruidoso Police Department prior to the date of the promotional examination are then eligible to test.

Corporal: To be eligible to participate in the Corporal promotional examination, the employee must be a non probationary employee and have at least one (1) year continuous employment as a certified Patrol Officer with the Ruidoso Police Department prior to the date of the promotional examination.

V. ORAL ASSESSMENT COMMITTEE (OAC):

- A. A pool of eligible candidates for the oral assessment committee shall be selected as follows:
 - 1. The Promotional Review Board shall submit suggestions for the list of oral assessment committee participants.
 - 2. Once the list is agreed upon, then a background check is performed on each person.
 - 3. All persons with acceptable backgrounds checks will be notified by the Promotional Review Board asking for their participation on the Oral Assessment Committee.
 - 4. In the event that a member of the committee voluntarily withdraws from the committee or if a committee member is deemed to no longer be eligible (as described above) the Promotional Review Board will accept more suggested names and follow the background process.
- B. The oral assessment committee shall be comprised of three (3) to five (5) people. The Board will make reasonable effort to ensure that the OAC has at least one person at large from within the community or surrounding area and one person involved in current law enforcement education or practice.

V. EXAM AND SCORING:

- A. Written Examination: an objective standard written examination. This carries a weight of 35 points.
- B. Evaluation Rating: a promotional evaluation rating conducted by the Lieutenant and two supervisors chosen by the Promotional Review Board. This carries a weight of 15 points of the examination process. This shall be based on, written complaints not cleared, reprimands, disciplinary actions, or levels of certification. By applying to test, the employee acknowledges that he/she understands and give permission to the board to investigate the employee's personnel file, complaints, internal investigations, or other material needed to score in this section. The

employee also understands that all information obtained by the Board shall be kept confidential.

- C. Seniority compilation score: the first part will be based on the officer's continuous service with the Ruidoso Police Department only. The second portion will be based on any additional experience with any other police departments in the officer's career. The section carries the weight of 15 points.
 - 1. Two (2) points shall be given for each year with the Ruidoso Police Department, up to five (5) years. one (1) point for each year to ten (10) years.
 - 2. One-half (1/2) shall be given for each year as a certified police officer with any other department or with the Ruidoso Police Department prior to current continuous service.
 - 3. No participant shall exceed the maximum of 15 points for the above scoring.
- D. Oral interview: conducted by the Oral Assessment Committee and shall carry a weight of thirty (30) possible points.
 - 1. a possible twenty-five (25) points shall be awarded to the context of the questions (right answers).
 - 2. a possible five (5) points shall be awarded to the overall presentation of the applicants presentation (e.g. communication skills, impromptu responses, eye contact etc.)
 - 3. The Chief of Police or designee may participate on any oral interview but will bear no mark on the scoring.
- E. The Personal Interview: shall be conducted by the Chief of Police. The Chief shall interview the eligible candidates before being notified of the scores of each applicant. This section shall have a possible five (5) points total. The five points may be divided up among the applicants as the Chief deems appropriate.
- F. When the Sergeant is only required to interview before the oral board and the personal interview with the Chief, the total interview will carry a weight of 35 possible points (30 for the oral board and 5 for the personal interview).

VII. PREPARATION AND TESTING OF PARTICIPANTS:

When there is a vacancy and when the Chief of Police deems it necessary to request the vacancy to be filled, the request shall follow the same criteria as any other request for vacancy or new position. Once it has been approved, the following shall begin.

A list of all eligible employees shall be posted on a memo announcing the upcoming opening and a closing date for submitting written notice. The eligible employees who intend to participate shall submit written notice to the Chief of Police stating such intentions.

Should an opening at a higher grade become available and only one (1) employee in the department is eligible, only one (1) employee is interested in testing, or no employee in the department is eligible, then all officers in the eligible class may be tested, excluding employees on probation. However in the seniority compilation scoring, the officer(s) without required continuous service shall be scored zero (0).

Once the posting is closed, no other applicants will be accepted.

The Oral Assessment Committee participants shall be picked randomly by the Promotional Review Board. The Board shall choose one of its members to be responsible for the organization of the Oral Assessment Committee. S/he shall contact the Oral Assessment Committee to set the date, time, and place of examination.

The employee responsible for the OAC organization shall notify eligible employees who requested to be tested, the chief, and other Board members of the date, time, and place of the written testing, oral assessment interview, and unless other wise stated, the personal interview will be conducted in the Chief's office.

During each process of the testing, there shall be at least one Board member present at all times.

During the oral assessment interview, one Board member shall give the Oral Assessment Committee the questions and answers in which to ask. The Board member shall also read the questions to each participant.

VIII. SELECTION:

There shall be at least two board members to compile the scores for each section and certify the total scores of each participant.

In order for an applicant to be considered for promotion or for the promotional list, the applicant must have an overall score of at least 60.

Should two (2) or more participants have identical composite scores, the tie will be broken by continuous service with the Ruidoso Police Department

XI. AFTER SELECTION:

- A. Each participant may request a copy of the total scores in order that each shall know how he or she ranked in the examination.
- B. Upon request, the participant shall be shown his or her personal separate scores of all parts of the examination in order to show how the total score was achieved.
- C. The promotion list shall be held for a period of one (1) year and used for appropriate promotional openings during that year.

X. TRIAL PERIOD FOR NEW PROMOTIONS:

- A. All personnel promoted shall serve a three (3) month trial period and shall be evaluated monthly during probation
- B. Any problems or deficiencies involving the promoted employee during this trial period shall be addressed in writing through the chain of command.
 - 1. Deficiencies, if substantiated, are to be corrected immediately. Upon second notification to the Chief of Police, concerning the same issue and if deemed appropriate, the promoted employee shall be disciplined up to being reduced to the former rank and assignment or even dismissal (depending on the circumstances).
 - 2. If the Chief requests the vacancy to be filled and it is approved by management, the next eligible employee on the eligibility list shall then be promoted and all rules in this policy shall begin for that employee.

XI. SENIORITY:

Seniority shall be accumulated by the amount of time spent at a specific rank or Division.

If a Sergeant moves to Detective Sergeant, s/he will no longer accumulate seniority as a Sergeant but will begin accumulating seniority as a Detective. Should the Detective choose to return to Patrol, s/he will maintain the seniority from the previous service and will begin seniority as Sergeant but not Detective Sergeant.

If a Detective Sergeant moves to Sergeant, s/he will no longer accumulate seniority as a Detective Sergeant but will begin accumulating seniority as Sergeant. Should the Sergeant choose to return to CID as a Detective Sergeant, s/he will maintain the seniority

from the previous service and will begin seniority as Detective Sergeant but not Sergeant.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

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Manager Directive: Procedures for Appealing Disciplinary Actions

Number: MSOP 00-07

Effective Date: January 16, 2001
November 1, 2005

Signed: Original filed in Executive Office
Lorri McKnight, Manager

Purpose:

Pursuant to the Personnel Manual Article 7, the following sets out procedures for disciplinary appeals.

Procedures for Appeal of suspension of three days or less:

An employee appealing this suspension would need to file a written appeal to the Human Resource Office within two working days of the receipt of the notice of suspension.

The appeal must be signed by the employee and contain the employee's statement explaining the reasons for the appeal in detail and give the action desired. The Manager may, at his discretion, elect to hold a hearing or hear additional evidence. The Manager shall render a timely decision and reserves the right to modify the penalty imposed.

Procedures for Post - Suspension, Post - Demotion hearing, or Post - Termination Hearings:

An employee appealing a suspension of longer than three days, a demotion, or a termination pursuant to Article 7 of the Personnel Manual would need to file a written appeal to the Human Resource Office within five business days of the Department Director's notice (Department Director's notice can be verbal at the predetermination meeting) of the demotion, suspension of longer than three days, or the termination.

The appeal must be signed by the employee and contain the employee's statement explaining the reasons for the appeal in detail and give the action desired.

The Manager or his designee shall serve as the Hearing Officer and conduct the hearing.

1. The Human Resource Office will establish a time, date, and location for the hearing, and shall give written notice of the information to the Department Director and the employee.
2. The employee may be represented by one person such as legal counsel or other representative. The employee must notify the Human Resource Office at least two working days prior to the time of the hearing if legal counsel is to be present.
3. The hearing shall be closed except when an employee requests in writing that the hearing be open. The employee must notify the Human Resource Office at least two working days prior to the time of the hearing if the meeting is to be open.
4. Hearing Officer: Shall have authority to:
 - Review all documents pertinent to the case, including the employee's personnel file;
 - Rule on the relevance or other admissibility of evidence;
 - Question the parties and their witnesses, if any;
 - Hear and decide motions: related to discovery, things for inspection or copying, dismissal of any matter, etc.
 - Reprimand and/or exclude from the hearing, any person for improper or contemptuous conduct;
 - Take any other action consistent with this regulation, the Village Municipal Code, the laws of the State of New Mexico, and the laws of the United States.
5. The hearing shall be administrative, informal, and shall not require adherence to the rules of evidence.
6. During a hearing, those permitted to be present during the entire hearing shall be the employee, his/her representative, the Department Director, Village's representative, the Human Resource Director, and the Hearing Officer.
7. Either party may call witnesses. The witnesses shall be required to remain outside of the hearing until called. The witnesses may be cross examined. The witnesses shall not be permitted to remain in the Hearing after their testimony and cross examination has been completed.
8. The Hearing Officer shall render a decision in writing in a reasonable amount of time.

Village Employee Called as a Witness:

1. A Village employee called as a witness by the Village shall be paid even if off duty.
2. A Village employee called as a witness by the employee or ex-employee shall be paid if the witness is on duty.
3. A Village employee called as a witness by the employee or ex-employee shall not be paid if the witness is off duty.

Village of Ruidoso
Lorri McKnight, Manger
Manager Standard Operating Procedure

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Manager Policy: Safety Incentive Policy

Number: MSOP 01-05

Effective Date: January, 2005

Revised: June 30, 2006

Signed: Original filled in the Executive Office
Lorri McKnight, Village Manager

Purpose:

The Village of Ruidoso takes safety seriously and in order to keep safety as a high priority, the Village has instituted a policy of rewarding the employee who works safely and does not have any preventable accidents.

Policy:

Positions within the Village of Ruidoso have been identified by the Safety Committee to be in a high or low risk category. The risk categories determine when a safety award is warranted.

High risk category: is eligible for a Safety Incentive every two years. This category consists of Heavy Equipment Mechanic (3724), Street Department (5506), Animal Control (0034), WW Collection (9402), Solid Waste Department (7380), Van Driver (7380), Police Officer (7720), Mechanic (8391), Fire Fighter (7704), Airport (7423), Water Department (7520), and WW Treatment Plant (7580).

Low risk category: is eligible for a Safety Incentive every three years. This category consists of Parks & Recreation (9102), Forestry (9102), Convention Center (9015), Building Maintenance (9015), Building Inspectors (8720), Library (8868), Purchasing (8810), and all Clerical Staff (8810).

Also, each year the Village of Ruidoso Department Directors sponsor an "Employee Appreciation Picnic" to honor those who have worked safely for the past year and to say thanks for a job well done.

Procedure:

Safety incentives offered every two or three years:

Eligibility:

If the employee does not have a preventable accident and has received the number of safety training hours required by the New Mexico Self-Insurer's Fund for the length of time listed in the appropriate category, the employee will be offered a safety incentive. Department Directors will also have to meet the above mentioned requirements plus keep their department's safety matrix up to date, in order to be eligible for a safety award.

The safety incentive will be the employee's choice of a Safety Day off which would be one regular paid day off that is to be used by the next June 30th, or a safety award chosen from the approved catalog/awards.

Ineligibility:

However, if an employee has a preventable, on the job accident, or if the employee has not met the safety training requirements of the New Mexico Self-Insurer's Fund the employee will start over in calculating the years without a preventable accident. The calculation will be the same if an employee does not meet the training requirements. The time frame will start over with the next year. The Village will use its fiscal year as a year (July 1st - June 30th).

Employee Appreciation Picnic:

The Safety Incentive will be presented to the employees at the safety picnic. The Safety Incentive is a "Safety Morale Day Off" which would be one regular paid day off. Those employees who have not had a preventable accident during the past fiscal year and have received all their safety training based on the New Mexico Self-Insurer's Fund requirements are eligible for the safety incentive. The Safety Morale Day off must be utilized by June 30th of the fiscal year.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

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MSOP: Safety Manual

Number: MSOP 00-08

Effective Date: December 1, 2000

Amended May 1, 2006

Signed: Signed Original in Executive Office

Lorri McKnight, Manager

Purpose:

The Village of Ruidoso is committed to its employees and has laid out a policy to help the employees and management work in a safe environment. Controlling or eliminating conditions is one of the Village's greatest responsibilities. Participation and cooperation from all employees will help reduce and/or eliminate accidents and hazardous conditions from the work environment.

Practice:

It shall be the practice of the Village of Ruidoso that all Department Directors, supervisory personnel, and employees take a serious interest in the prevention of accidents involving personnel and equipment. This manual is to be reviewed carefully by all employees.

SAFETY MANUAL

LOSS CONTROL POLICY STATEMENT

Controlling or eliminating hazardous conditions is one of our greatest responsibilities. Reduction of injuries, property damage, and loss control caused by unsafe acts, unsafe methods, or unsafe conditions is the responsibility of every employee.

Department Directors, supervisory personnel, and all employees must take a serious interest in the prevention of accidents involving personnel and equipment. Review this manual carefully. Failure to comply with these instructions shall be considered a safety violation and the individual(s) involved may be subject to disciplinary action. Participation and cooperation from all employees help to make our work environment free from accidents and hazardous conditions.

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SECTION 1

DUTIES AND RESPONSIBILITIES OF EMPLOYEES

- 1.1 Report all hazardous conditions to your immediate supervisor or department director immediately.
- 1.2 Advise other employees of unsafe acts.
- 1.3 Wear proper safety clothing and all safety equipment as the job requires.
- 1.4 Make full use of safeguards provided. Do not make any safety device inoperative or operate any equipment unless authorized to do so.
- 1.5 Maintain your work area in a safe condition. Use prescribed tools and equipment for the job. Must attend all safety training classes as outlined in the safety matrix.
- 1.6 Report all accidents and injuries to your supervisor immediately; but no later than at the end of a shift.

If you need medical attention : a drug screen and a HIPAA release is required.

If there is property damage only then a drug screen is required but no HIPAA form is needed. (See What to do in Case of an Accident)
- 1.7 Make a complete physical inspection of all equipment, tools, and vehicles before the start of a job.
- 1.8 Do not engage in horseplay. Coverage under Worker's Compensation may not apply to employees if injured while engaging in horseplay.
- 1.9 Employee are to comply with all safety policies including but not limited to the drug, harassment, workplace violence, hazardous communication, bloodborne pathogens, etc.
- 1.10 Employees are responsible for notifying supervisors of inadequate and unsafe condition(s) of equipment, vehicles, and works areas.
- 1.11 If an employee is seen by a doctor due to an injury, a doctor's diagnosis shall be completed and submitted to the Department and Human Resource Department. In order for the injured employee to return to work, a return to work notice from the doctor must be submitted to the department and also to the Human Resource Department.
- 1.12 Follow doctor's directions when treated for an injury.
- 1.13 If no supervisor or foreman is at the site, employee shall size up a situation and/or job site to determine the aspect of safety before beginning to work. When the Supervisor or foreman is at the site, the Employees shall work closely with them to determine the safety of a work situation and/or job site.
- 1.14 Failure to follow safety policies shall result in disciplinary action.

SECTION 2

DEPARTMENT DIRECTOR/SUPERVISOR'S RESPONSIBILITY

- 2.1 Supervise and instruct employees on how not to endanger themselves or other employees by unsafe acts. Each department will establish and maintain their safety matrix for their department and employees.
- 2.2 Ensure that the Supervisor's Accident Report form is filled out in its entirety and returned to the Human Resource Department within 24 hrs. of notification of injury.
- 2.3 Meet with the employee to discuss the accident. If it is preventable on the employee's part, explain to the employee why.
- 2.4 Have a minimum of one monthly safety meeting and keep a written report of the safety meeting. The report shall include subjects discussed and signatures of employees attending. The Supervisor may assign someone from their department to conduct the meeting. This time can also be used to address any near misses that the department may of had.
- 2.5 Set good examples for observing all safety rules and regulations.
- 2.6 Each Department Director shall be held fully accountable for an explanation of the preventable accidents incurred by their employees. An excessive number of preventable accidents is an indication that some management policies and practices need re-evaluation.
- 2.7 When an accident occurs, the Department Director is responsible for keeping the Human Resource Department informed on all aspects of the employee injury. Especially when the employee is going to return to work.
- 2.8 Ensure all employees are trained in and use the necessary protective devices and that each employee is properly uniformed .
- 2.9 Make First Aid Kits, fire extinguishers accessible for each vehicle and building used by the department. In all buildings make sure you have an eye wash station and a bloodborne pathogen clean up kit.
- 2.10 Make sure all Village owned vehicles shall be operated by authorized employees only.
- 2.11 Train each new employee in the area of safety policies and hazardous communications.
- 2.12 Make sure that all employees understand that Non-employees shall not ride in Village owned vehicles (community service workers are exempt). Employees shall not drive village owned vehicles for personal use while off duty. Bonafide reasons for non-employees to drive Village owned vehicles such as (Trained Voluntary Fire Fighters in an official capacity of doing their duties).
- 2.13 Supervisors are responsible for ensuring that the department safety equipment is maintained with proper maintenance.
- 2.14 Department Directors shall be responsible for employee training. Department Directors shall keep written log of training and employees who attend the training. Also, keep a written record of employees trained on equipment.
- 2.15 The Supervisor or Foreman shall be responsible for sizing up a situation and/or job site to determine the safest procedure in order to perform the job. The Supervisor or Foreman shall work closely with

the employee(s) to maintain a safe work situation and/or job site.

2.16 Failure to follow or enforce safety policies shall result in disciplinary action.

2.17 Become familiar with procedures of "What to Do In Case of an Accident."

SECTION 3

REPORTING ACCIDENTS/INJURIES

- 3.1 All accidents, injuries, or possible claims with public must be reported immediately to the Supervisor or Department Director. Any third party accidents must be reported to the Ruidoso Police Department.
- 3.2 If an employee takes leave for an on-the-job injury, the doctor must state that employee is required to be off duty due to the on-the-job injury.
- 3.3 The employee who has had a work related injury shall furnish the supervisor and the Human Resource Department with a note of release for duty from the treating doctor when returning to duty following a temporary disability.
- 3.4 No statement is to be made by any employee of the Village, either in writing or by word of mouth, regarding an accident in which public or Village property or employees are involved, unless required by State or local police. Employees are not to sign statements unless so instructed by the Village Manager. Never attempt to settle the accident yourself. Do not argue or try to place the blame.
- 3.5 Fatalities occurring during normal hours shall be reported to the Department Director and the Police Department immediately. Should a work related fatality occur to an employee other than normal hours, the Police Dispatcher shall be notified with instruction that the Department Director, Village Manager, and Human Resource Department shall be informed immediately.
- 3.6 Employees involved in accidents are required to submit to a drug abuse screen as described in the Village drug policy.

SECTION 4

PERSONAL PROTECTIVE DEVICES-SAFETY GEAR

4.1 Eye and Face Protection

- (a) Face shields and safety goggles shall be used by employees doing work where flying particles, corrosive vapors and liquids are likely to be hazardous.
- (b) Eye protection shall be used when working under a vehicles, equipment, etc.; where there is a possibility of debris falling into the eye while looking up; around dry cement or lime, excessive dust, splashing wet cement; when taking samples of cement, drilling, grinding, scraping, reaming, welding and cutting (hood will remain on welder until weld has cooled off; welder will lift colored glass and view the weld through clear lens; or use safety glasses under hood when sawing or cutting stranded wire rope or cable, wire brushing concrete or steel; while mowing grass or weeds, burning weeds or brush, pruning, pounding, hand-picking compacted or frozen ground, descending and climbing into manholes or lift stations, sledging stone, using compressed air tools, chipping, sandblasting, cutting and trimming brush and brushes, demolishing buildings and structures; and when near power mowers.

4.2 Respiratory Protective Equipment

- (a) Respiratory protective devices shall be used when handling chlorine or rodent droppings, where oxygen is deficient, when excessive dust is present, while spraying paint, chemicals, cleaning solvents or thinners, and when mixing and spraying weed and pest control chemicals.
- (b) only particle and chemical respirators are used when in contact with rodent droppings, as well as self contained breathing apparatuses approved by the National Institute of Occupational Safety & Health (NIOSH) shall be worn.

4.3 Protective Clothing

- A. Field personnel are expected to wear proper uniforms when on duty.
- B. Protective gloves will be used for handling hot objects and materials, welding, sampling fresh concrete, using lime, washing parts, rodent droppings, handling, or mixing spraying chemicals.
- C. The Village has a written policy for handling bodily fluids. See the Exposure Control Plan for the Village of Ruidoso employees (section 34).
- D. Protective vests should be reflective and must be worn by any employee working within 50 feet of any road right of away and where heavy equipment is being operated

4.4 Head Protection will be worn:

- A. where there is an overhead exposure or trench type work;
- B. when working where there are falling or flying objects; or
- C. anytime exposed to energized electric conductors.

4.5 Foot Protection will be worn:

- A. Rubber boots and toe guards will be required where their use will reduce instances of wet feet and foot injuries.
- B. Low cut shoes, tennis shoes, or sneakers are not acceptable for field or shop work, i.e., animal

control, engineering field crew, equipment shop, parks, refuse, roads and streets, traffic control, warehouse, utilities, meter reading, or any other field not mentioned that falls in the field category.

- C. Employees engaged in mechanical work, equipment operations, handling power poles, timbers, heavy equipment or materials, operating power mowers, and field work shall wear high-top non-slip treaded work shoes or boots.
- D. The Department Director shall decide what type of safety boot or shoe is needed for the positions in each department. This should be a written policy.

SECTION 5

MOTOR VEHICLES, EQUIPMENT, LICENSES & TESTING

- 5.1 All prospective employees will be checked for their driving record and current driving skills. An Employment offer will not be made if a background check reveals that the employee is uninsurable by the Village of Ruidoso.
- 5.2 Village owned vehicles and equipment shall be operated by authorized employees only.
- 5.3 All operators of Village owned, leased, rented, or private motorized vehicles, when conducting Village business, shall comply with certain regulations.
 - A. A valid New Mexico's driver's license with the proper class and endorsement must be carried by all persons operating a motor vehicle.
 - B. Operators must successfully complete the a four (4) hour Safety Driving class every two years.
 - C. All employees who operate vehicles as a part of their job and are more than 15 minutes from a medical facility are required to be trained in Red Cross First Aid or its equivalent.
- 5.4 A DMV violation check will be administered at least monthly on all employees who drive Village owned or leased vehicles as part by their job description.
- 5.5 Employees who use their personal vehicles to conduct Village business must be able to furnish proof of current insurance to the Executive Secretary.
- 5.6 First Aid Kit, Fire Extinguish, BB Pathogens Clean up Kit, and Proper Safety Equipment shall be carried in each Village vehicle.
- 5.7 Non-employees shall not ride in Village owned vehicles (community service workers are exempt). Employees shall not drive village owned vehicles for personal use while off duty. Bonafide reasons for non-employees to drive Village owned vehicles such as (Trained Voluntary Fire Fighters in an official capacity of doing their duties).

SECTION 6

DRIVING RULES

- 6.1 All Village employees riding in a Village vehicle must fasten their seat belts, where seat belts are provided, before the vehicle is put in motion.
- 6.2 Never allow more than three persons to ride in the front seat. No passengers are allowed to ride in the bed of a truck unless under extenuating circumstance (ex. picking up traffic cones).
- 6.3 Parking shall be in accordance with local traffic regulations.
 - A. When parking on a hill or incline, set the hand/foot brake securely. Place standard transmissions in low gear when facing uphill, and in reverse gear when facing downhill. Automatic transmissions should be placed in park. Turn the front wheels so that your vehicle will steer into the curb.
 - B. Carry chock blocks on all CDL equipment.
 - C. When parked or backed against a loading dock or ramp, shut off the engine, place in reverse and secure the hand/foot brake.
 - D. If vehicle is to be parked on any roadway, it will be parked facing in the direction of traffic where possible.
 - E. If possible, do not block driveways or alleys.
- 6.4 Avoid backing whenever possible.
 - A. Do not back into intersections, over pedestrian crosswalks, or around corners.
 - B. Before backing, get out and walk around the vehicle to determine the area is clear.
 - C. Adjust both rear view mirrors so that you can see from both inside and outside vehicles.
 - D. If necessary to go back some distance, get out and check your safe progress.
 - E. When possible, have someone guide you while backing.
 - F. It is recommend to back into a driveway and drive forward into the street.
- 6.5 The driver is responsible for passenger safety.
 - A. Do not get on or off any equipment while in motion.
 - B. Do not hang arms or legs over the side of any vehicle.
 - C. Do not ride on the hood, fender, running board, bumper, top or sides of any vehicle or equipment at any time, unless on a platform especially designed for that purpose.
 - D. Do not transport passengers in a trailer (parades are exempt).
 - E. In circumstances where employees need to be transported in the bed of dump trucks or flat bed trucks, extreme caution shall be used. Employees shall be seated within the confines of the bed.
 - F. Turn on the headlights at all times in inclement (e.g; fog, snow, rain) weather.

SECTION 7

OFFICE SAFETY

- 7.1 All employees in an office shall attend an Ergonomic training class every two years.
- 7.2 Bottom drawers in file cabinets shall carry heaviest loads whenever possible.
- 7.3 Open file drawers slowly. Open only one drawer at a time.
- 7.4 Desk, file, cabinet, and bookcase drawers are to be closed when not in use.
- 7.5 Use care when lifting swivel chairs.
- 7.6 Glass desk tops are to be free of breaks or sharp edges.
- 7.7 When changing the position of desks or other heavy office furniture and equipment, use care and obtain sufficient help.
- 7.8 Razor blades, pins, and thumbtacks shall be kept in containers in desk or cabinet.
- 7.9 Before using an extension cord, check the size, insulation, plugs and sockets.
- 7.10 Keep storage and supply rooms neat and orderly.
- 7.11 Keep window ledges around heating and venting system free of debris. Do not place equipment or heavy objects on window sills, ledges, tops of cabinets, etc.
- 7.12 Do not stand on chairs or boxes to reach high places. Use a ladder or step stool as appropriate.
- 7.13 Keep aisles, halls and stairways clear of objects that might cause a fall.
- 7.14 Do not run in hallways or on stairs. Use handrail when walking up and down stairs.
- 7.15 While ascending or descending stairs, keep to the right. Take only one step at a time.
- 7.16 Rearrange furniture to avoid electrical and telephone cords crossing floors. If cords must cross floors, cover with rubber channels.
- 7.17 Be careful when walking on newly waxed floors.

SECTION 8

FIRE PREVENTION

- 8.1 Keep passageways, walkways, stairwells, and exits clear, as well as area around fire extinguisher.
- 8.2 Keep area around fire extinguisher and fire fighting equipment clear of any obstructions.
- 8.3 Dispose of oily rags, waste, etc., in metal cans with covers and empty frequently.
- 8.4 Store only one day's supply of gasoline and other flammable liquids on equipment.
- 8.5 All vehicles and major pieces of equipment shall be equipped with a fire extinguisher.
- 8.6 Check batteries in smoke alarms at least once a month.
- 8.7 Fire extinguishers shall be inspected once a month by the department and shall be inspected once a year by an authorized, outside fire extinguisher inspector.
- 8.8 Keep fire extinguisher in designated place.
- 8.9 Extinguisher Training every 2 years
- 8.10 Written Fire Escape plan for every department.

SECTION 09

ELECTRICAL

- 9.1 All electrical work, installations, and wire capacities shall be in accordance with the pertinent provisions of the National Electrical Safety Code (NESC).
- 9.2 Only authorized journeymen shall be allowed to work on live circuits.
- 9.3 When an electric circuit is open, the circuit shall be locked out/tagged and closed only by the one who opened the circuit or under the direction of the supervisor. Take special lockout precautions when the circuit may be energized by an automatic control device. Never assume all circuit breakers have been turned off. Wait for a qualified person using test equipment has confirmed it.

SECTION 10

LIFTING

- 10.1 If an object is too heavy or bulky to be handled by one person, get help. Push with hands to test weight.
- 10.2 Be sure to have a good firm footing and grip. Be sure to get help. Never attempt to lift while in an awkward position.
- 10.3 Bend your knees and bring the object as close to your body as possible, with feet spread apart, one foot along side, and one behind the object.
- 10.4 Watch out for objects that may be wet.
- 10.5 Keep body weight directly over feet with elbows and arms tucked.
- 10.6 Do not twist the body. If turn must be made, pivot on the feet, keeping the body erect.
- 10.7 Shall attend a Back & Lifting class as per your department policy.

SECTION 11

MATERIALS HANDLING, STORAGE, USE AND DISPOSAL

- 11.1 All materials in bags, containers, bundles, or stored in tiers shall be limited in height and secured against sliding or collapse.
- 11.2 Keep aisles and passageways clear.
- 11.3 Separate incompatible materials.
- 11.4 Flammable liquids and greases shall be stored in "No Smoking" areas.
- 11.5 Used lumber shall have all nails removed before stacking.
- 11.6 Oxygen and acetylene gas cylinders require extra care:
 - A. Do not store oxygen cylinders indoors within twenty (20) feet of flammable gases or combustible materials unless separated by a fire resistant partition (½ hour minimum rating).
 - B. Do not store oil, grease, or petroleum products near oxygen cylinders.
 - C. Store all cylinders in upright position with valve protection cap in place.
 - D. Cylinders stored outside, should be protected from ice, snow, and direct rays of the sun.
 - E. Store cylinders away from places where they can be knocked down or damaged.
 - F. Never strike an arc or tap an electrode against a cylinder.
 - G. Transport cylinders weighing more than ninety pounds on a hand or motorized truck.
 - H. Never lift a cylinder by slings, by the cap, or by an electric magnet.
 - I. Do not drop cylinders or let them strike each other violently.
 - J. Mark empty cylinders "Empty" or "MT". Keep empty and full cylinders separated.
 - K. Do not remove or change numbers or marks while rearranging oxygen or acetylene gas cylinders.
- 11.7 Any matter that falls under the hazardous communication standards shall be handled as per the Village's "Hazardous Communication Policy".
- 11.8 A Hazardous Communication Policy will be located in each department and shall be reviewed annually.

SECTION 12

LADDERS AND SCAFFOLDS

- 12.1 All portable and fixed ladders shall meet the requirements of the American National Standards Institute safety code for ladders.
- 12.2 Before putting a new ladder in service or using a ladder, inspect it for defects.
- 12.3 Do not use makeshift ladders, such as cleats fastened over a single rail.
- 12.4 Portable ladders shall have safety feet placed on a substantial base.
- 12.5 Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about 1/4 of the working length of the ladder.
- 12.6 The side rails of a ladder shall extend not less than thirty-six (36) inches above the landing.
- 12.7 Never place a ladder in front of a door.
- 12.8 Secure both bottom and top when using a ladder for access to scaffolds.
- 12.9 Always face the ladder when ascending or descending. Hold on to the side rails with both hands.
- 12.10 Be sure that your shoes are not greasy, muddy, or slippery before climbing.
- 12.11 Do not use ladders during strong winds except in an emergency.
- 12.12 Do not climb higher than the third highest rung on straight or extension ladders or the second highest tread on step ladders.
- 12.13 Notify someone before going up on a roof or other secluded area.
- 12.14 Step ladders shall always be used in a full open positions. When using a step ladder in a doorway, always have someone with you to watch for your safety.
- 12.15 Regular applications of linseed oil, shellac, or clear varnish shall be given to wooden ladders, but they are not to be painted.
- 12.16 Store ladders away from weather, excessive wear, or dampness.
- 12.17 All scaffolds shall be erected in accordance with state and federal requirements. The footing for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling. Unstable objects shall not be used to support scaffolds or planks.
 - A. Platforms more than ten feet above ground or floor shall have guardrails and toe boards installed on all open sides and ends.
 - B. Guardrails shall be 2 x 4 inches and approximately 42 inches high. The mid rail and the toe board shall be 1 x 6 inch lumber or equivalent.

SECTION 13

CABLES AND CHAINS

- 13.1 Inspect all cables, chains, and welds carefully before installing.
- 13.2 Sharp bends, kinking, or knots shall not be permitted.
- 13.3 Use block of wood or other suitable object to protect cable or sling when passing over sharp surfaces.
 - A. Check clamps regularly from slipping or loose nuts.
 - B. Inspect hooks, chains & cables at regular intervals.
- 13.4 No one shall stand within the area of the expected arc of the broken or loose cable or chain. Use protection between an object being pulled by the operator.
- 13.5 Chains should be discarded when damaged or elongated.

SECTION 14

HAND TOOLS

- 14.1 Always wear personal protective equipment as required, including eye protection and gloves.
- 14.2 Always inspect the tools prior to use.
- 14.3 Make sure you use the proper tool for the job.
- 14.4 While operating equipment, make sure you keep tools in the tool box or in the pouch.
- 14.5 If working in an excavation, on a ladder, or a scaffold, do not throw or toss tools to one another. Use a bucket with a rope or some other means of transporting the tools.
- 14.6 When you are finished with tools, put them back where they belong.
- 14.7 All hand tools should be used with respect.

SECTION 15

POWER TOOLS, PNEUMATIC TOOLS, CHAIN SAWS, & FUEL POWERED TOOLS

- 15.1 All power and pneumatic operated tools, including chain saws whether furnished by the Village or owned by the employee, shall be maintained in a safe condition when being used on the job. All employees must receive proper training of operation of all power tools per manufacturers specifications.

SECTION 16

SANDING, DEICING, AND SNOW REMOVAL OPERATIONS

- 16.1 Make certain that all flashing warning lights and other required lights are in operation.
- 16.2 Reduce speed of snow plows as necessary for the safety of other motorists.
- 16.3 Use appropriate warning signs and flag person during snow removal operations.
- 16.4 Only trained and experienced operators who are familiar with the roads shall be allowed to operate snow plows.
- 16.5 Sand and salting equipment operators shall be trained and experienced in the use of such equipment.
- 16.6 Extreme caution shall be taken when removing ice or snow from sidewalks.
- 16.7 Speed shall be kept to a safe working speed while operating equipment.
- 16.8 Follow manufacturer directions for use of equipment.
- 16.9 Follow Departmental Policy

SECTION 17

TRAFFIC CONTROL, SIGNING, AND FLAGGING

- 17.1 Traffic control devices used on road construction or maintenance work shall conform as closely as possible to the American Traffic Safety Services Association (ATSSA).

SECTION 18

TRENCHING, EXCAVATION, AND SHORING

- 18.1 Excavation, trenching, and shoring shall be performed in accordance with State, Federal, and OSHA regulations.
- 18.2 A Competent Person must be on all dig sites.
- 18.3 Before excavation work of any kind is to begin, make a through inspection of the site to include underground installations. Call "New Mexico One Call".
- 18.4 Sides of trenches in unstable material, five feet or more in depth, shall be supported sufficiently to protect employees.
- 18.5 When employees are required to be in trenches four feet or more in depth, a means of exit shall be provided within twenty-five (25) feet.
- 18.6 Make and document daily inspection of trenches and excavations that are done by a competent person.

SECTION 19

HEAVY EQUIPMENT

- 19.1 Only qualified and trained personnel shall operate heavy equipment.
 - A. Must learn the limitations of operating machines on slopes and/or rough roads.
 - B. No passengers shall be allowed on the machine. Equipment designed to accommodate more than one person may be occupied by a supervisor, helper, or authorized trainee.
- 19.2 Before operating equipment, all operators must read owners manual and competent training must be observed by a qualified person.

SECTION 20

AIR COMPRESSORS

- 20.1 Manufacturer's instructions on the care and use, and lubrication of compressed air equipment shall be followed closely.
- 20.2 Exposed moving parts such as belts, pulleys, gears, etc., shall be guarded.
- 20.3 Always disconnect power source when inspecting. Air tanks should be inspected at least every three months.
- 20.4 Valves should be cleaned at least every three months.
- 20.5 A complete inspection and cleaning of compressors, lines, receivers, and auxiliaries made at least once a year.
- 20.6 Air tanks shall be drained after each use.
- 20.7 Be sure all hand operated valves to pressure gauges are open before starting compressor.
- 20.8 Do not adjust safety valve on kick-off.
- 20.9 Do not hammer on compressor tanks when they are under pressure.
- 20.10 Stand clear of hose connections. Make sure they are secure before releasing full pressure to hose.
- 20.11 The stream of air shall not be directed towards any person.
- 20.12 Eye protection shall be worn when using compressed air.
- 20.13 When compressor is towed on the roadway, it shall be equipped with stop lights, hitched securely, and must have safety chains.
- 20.14 Before disconnecting hose from compressor, close valve at compressor end of hose to release air.

SECTION 21

OXYGEN, GAS, WELDING, AND CUTTING

- 21.1 Only authorized, certified, and trained personnel shall operate welding equipment. Welders shall be familiar with the "American Standards Institute (Z49.1) Safety in Electric and Gas Welding and Cutting Operations".
- 21.2 Always wear goggles with suitable filter lenses when using a torch. Wear a head shield or helmet with suitable filter plates and safety glasses.
- 21.3 Wear approved welding gloves and aprons, high top footwear, and any other suitable protective clothing of the job.
- 21.4 Ensure that clothing is not oily and that pockets and cuffs are not open.
- 21.5 Sleeves must be kept buttoned and above the wrist.
- 21.6 Work areas shall have adequate ventilation. Work areas must be clear of flammable and combustibles or be 25 feet or shielded from them.
- 21.7 Do not cut containers (such as drums, barrels, or tanks) that have been used to hold flammable or combustible materials.
- 21.8 Keep flames and sparks away from cylinders and hoses.
- 21.9 Keep a fire extinguisher close by.
- 21.10 Do not use a torch unless a reverse flow check valve has been installed between it and the tanks.
- 21.11 Fire watch. All hot work needs to be completed 30 minutes prior to the end of work day to watch for fire.
- 21.12 Screens. Have screens set up for welding and for light radiation.

SECTION 22

ARC WELDING

- 22.1 Welding shall be done in an area that offers a minimum of fire hazard.
- 22.2 Portable fire fighting equipment shall be serviceable and readily accessible.
- 22.3 If other employees are working in the area, welding shall be performed behind a protective screen or wall.
- 22.4 Welders shall use a shade or filter lens appropriate to the amperage being used.
- 22.5 Arc welders shall wear safety glasses under welding hood or hood with a flip lens.
- 22.6 Welders shall wear approved welder's apron, gloves, jacket, and welding cap.
- 22.7 Inspect cables, electrode holders, and equipment prior to use.
- 22.8 A proper ground shall be maintained at all times.
- 22.9 Adequate ventilation shall be provided.
- 22.10 Do not change electrodes with bare hands, wet gloves, or when standing on wet floors.
- 22.11 Welding on a tank or container that has contained flammable liquid will not be done by village employees.
- 22.12 Do not weld around vapors or solvents.

SECTION 23

CHEMICAL AGENTS AND HAZARDOUS SUBSTANCES

- 23.1 Goggles or face shields, appropriate aprons, and appropriate gloves shall be worn around batteries, chemicals and other hazardous substances.
- 23.2 Do not short circuit batteries by crossing jumper cables or with wrenches or metal objects.
- 23.3 Do not smoke around batteries.
- 23.4 Acid burns shall be flushed immediately with water.
- 23.5 Chemicals and batteries of the non-seal type shall be located in well ventilated enclosures.
- 23.6 Do not store wet batteries, battery acid, electrolyte, chemical agents, or hazardous chemicals on high shelves.
- 23.7 Chemical agents and hazardous substances shall be stored and labeled in approved storage. The storage shall be constructed or treated to resist the stored chemical.
- 23.8 Keep vent caps in place when charging batteries. Charge in a well ventilated area and make sure vent caps function properly and that ports in the caps are not clogged.
- 23.9 Employees must be notified of job related risks when working with hazardous materials.
- 23.10 Employees who may be exposed to hazardous chemical must be trained in the handling of that particular substance in accordance with standard 1910.1200.
- 23.11 Material Safety Data Sheets (MSDS) shall be kept on file at the Personnel Office, Fire Department, and Police Department. Each department shall keep departmental MSDS on file and in easy access for the employees.
- 23.12 The Department Director or Supervisor shall instruct employees on how to read and use the Material Safety Data Sheet (MSDS).
- 23.13 The Village of Ruidoso has a Hazardous Communications Policy that shall be adhered to.
- 23.14 Chemicals and Hazardous substances shall be handled by properly trained personnel. Treated areas shall be marked so that others know where it is being used.

SECTION 24

SHOPS, MAINTENANCE SHEDS, UTILITY SHOPS, WAREHOUSES

- 24.1 All heaters, ventilators, electrical equipment, and wiring needing extension cords shall conform with State and Federal regulations.
- 24.2 Work areas, storage areas, and passageways shall be adequately lighted.
- 24.3 Running engines indoors is permitted only when it is necessary to complete or check the work and only when adequate natural or suction ventilation is available.
- 24.4 Keep tool and materials in an area where they are not likely to fall,
- 24.5 Use metal stands or wood blocks to support a vehicle. Do not use jacks. Place a chock block in front and rear of at least one wheel on the ground.
- 24.6 Employee shall not work under raised truck bed unless it is safely blocked or pinned in the raised position.
- 24.7 Safety pin or leg shall be in place before working under any hydraulic lift.
- 24.8 Loaded trucks shall not be raised on a hydraulic lift.
- 24.9 No one shall be allowed to remain in a vehicle while the vehicle is on a hydraulic lift, except in circumstances where mechanic is aware of person for diagnosing reasons.
- 24.10 Village employees will not work on split rims and will be contracted out to a repair service.
- 24.11 Oily rags and other flammable or combustible waste must be disposed of immediately in fire resistant containers with self closing lids.
- 24.12 Diesel fuel or non-toxic solvents with a high flash point of 100 degrees F or more shall be used for cleaning motors or parts. Do not use gasoline as a cleaning agent.

SECTION 25

REPAIR AND MAINTENANCE OF ENERGIZED EQUIPMENT (LOCK OUT TAG OUT)

- 25.1 The Village of Ruidoso has a lock out tag out policy. This policy shall be utilized in all departments as warranted. Departments should use the Village's policy and write departmental procedures as needed. This policy should be reviewed often in the departmental safety meetings. The policy will be reviewed annually.
- 25.2 The Village of Ruidoso shall sponsor a Lock out tag out training once a year by an authorized person. Hazardous energy (de-energy) effects employees by lockout.
- 25.3 Department Directors are responsible for employee training of lock out tag out procedures.

SECTION 26

CONFINED SPACE

- 26.1 Confined space is defined as an area in size and shape allowing a person to enter into it, as a limited opening for workers to enter and exit, is not designed for continuous human occupancy. Permanent required confined space is defined as (the same definition as confined space), but contains one or more health or safety hazards.
- 26.2 Employee shall not enter a confined space without a qualified person.
- 26.3 Employees shall not enter a confined space without proper training and authorization and without another employee "Buddy" being present and prepared during the time the employee is in the confined space.
- 26.4 All employees who work within confined spaces need to be properly trained. Follow the confined space policy.

SECTION 27

EXPOSURE CONTROL POLICY

- 27.1 All employees may have some exposure to infectious materials with blood borne pathogens. The Village of Ruidoso has an EXPOSURE CONTROL PLAN.
- 27.2 The Village of Ruidoso shall sponsor a training on Exposure Control each year.
- 27.3 The Department Director is responsible for the employee training of the Exposure Control Policy.
- 27.4 Department Directors are responsible for ensuring that the hepatitis A, B, & titer vaccination is made available to all employees.

SECTION 28

EMPLOYEES RIGHT TO APPEAL

- 28.1 Employees may appeal the recommendation of the Safety Committee concerning the injury or accident classification by applying in writing to the safety committee. This appeal shall be submitted to the Personnel Office within 30 days from the date in which the employee was notified of the safety committee recommendation.

SECTION 29

INJURY CLASSIFICATION

- 29.1 All injuries shall be classified as preventable or non-preventable by the Department Director or designee.
- 29.2 Preventable: If the employee was at fault and/or a negligent act was a contributing factor. The following are examples (but not limited to) of an injury or accident being considered preventable:
- A. Defective or improper equipment was knowingly used.
 - B. Proper tools, personal protective equipment, proper safety devices, and/or proper vehicle were not used.
 - C. Safety rules or safe work practices were ignored.
 - D. Where warranted, assistance was not requested.
 - E. Poor judgement was evident.
 - F. Collision where vehicle or equipment is in motion and driver of vehicle or equipment failed to exercise preventable measures within his/her control.
 - G. Backing accidents.
 - H. Driving too fast for conditions.
 - I. Passing on hills, curves, or in no passing zones.
 - J. Going to sleep at the wheel.
 - K. Running off roadway without provocation.
 - L. Tailgating traffic.
 - M. Violating any law.
 - N. Failure to follow Village or departmental work and safety rules.
 - O. Under the influence of drugs or alcohol.
- 29.3 Non-Preventable: If the employee was not at fault and exercised all available precautions to avoid the injury, and/or accident.

SECTION 30

SOURCE OF REFERENCES

Accident Prevention Manual for Maintenance and Construction

National Safety Council (NSC)

American National Safety Standards Institute (ANSI)

Federal Register, Environmental Protection Agency

Manual on Uniform Traffic Control Devices (MUTCD)

National Electrical Code Handbook (NEC), 1997

National Safety Council, Supervisor's Safety Manual (NSC)

New Mexico Motor Vehicle Laws, 1983

New Mexico Rules and Regulations Relating to Flammable and Combustible Liquids

Occupational Safety and Health Act (OSHA)

Village of Ruidoso Personnel Manual

VILLAGE OF RUIDOSO
Lorri McKnight, Manager
Manager Standard Operating Procedure

313 Cree Meadows Drive Ruidoso, New Mexico 88345
Phone: 505-258-4343 Fax: 505-258-5361 E-Mail: LorriMcKnight@vuruidoso.com

Manager Policy : Security & Usage Policy

Policy #: MSOP-04-01

Effective Date: May 10, 2004

Signed: Signed Original in Executive Office

Lorri McKnight, Village Manager

Purpose:

Information and the protection of Village of Ruidoso assets, including information relating to the conduct of business, are basic management responsibilities and must be protected from unauthorized modification, destruction or disclosure, whether accidental or intentional.

Responsibility for information security rests with all employees on an ongoing basis. Department Directors or Designee thereof are responsible for ensuring that all employees understand their obligations to protect Village of Ruidoso assets. The System Coordinator is responsible for implementing security procedures and practices that are consistent with protection of information assets.

Procedure:

Implementation of this policy: The System Coordinator or designee thereof is responsible for communicating the policy to employees; implementing the policy and monitoring the implementation process; providing employees with education and training in information management and security.

Any conduct that violates this policy may result in disciplinary action up to and including dismissal.

The Village reserves the right to change this policy at anytime, with such prior notice, if any, as may be reasonable under the circumstances.

Computer Systems Access

All users of computer systems will be provided a unique user identification name and password to access the system.

1. Department Director or Designee thereof will fill out and submit a User Information Form to the System Coordinator for each computer user; new employee; an

- employee changing positions within the Village or an employee requiring access changes.
2. Employees will be given access only to information and programs required for their assigned job duties
 3. System Coordinator will be notified immediately by the Department Director or Designee thereof when an employee leaves and will disable that employee's computer access.
 4. Passwords must be controlled in order to prevent their disclosure to or discovery by unauthorized persons.
 5. Computer Systems will not be setup with internet, e-mail or network access unless Norton's Corporate Edition Anti-virus is installed.
 6. No one shall receive authorized access to the internet until he or she has received, reviewed, and agreed, in writing, to comply with this policy. Such documentation shall be retained in the Employee's Department and the Human Resources Department.
 7. Passwords should be changed every 60 days.

Access Controls

Controls must ensure that legitimate users cannot access stored information unless they are authorized to do so. Sensitive computer systems should be physically protected from inadvertent usage or accidents.

1. Violations of access controls should be reported and recorded for review by the System Coordinator.
2. Access to tape backups should be limited to those responsible for handling the tapes.

Use of Village of Ruidoso Resources

All computers, word processing equipment, and software, leased, Village of Ruidoso owned or attached to a Village of Ruidoso Network of any type, all time-sharing services are to be used to conduct Village of Ruidoso business. Telephone connect charges billed to the Village of Ruidoso will be reimbursed by employees if personal in nature.

- 4.1 Computers, Peripheral Equipment, Internet, & E-mail accounts are the property of the Village **and are not to be used for personal use without written permission.**
- 4.2 Computers may not be used to develop programs for outside use;
- 4.3 Programs, spreadsheets or documents prepared using Village resources or on Village time **belong** to the Village of Ruidoso;
- 4.4 Work performed by outside contractors using Village resources, or paid for by the Village, are the sole property of the Village. Exceptions to this are specifically detailed in written contracts after legal and System Coordinator review;
- 4.5 Equipment is not to be used to play games, except in specifically authorized training situations;
- 4.6 Unauthorized Personal software, whether legally purchased or not, is not to be installed or run on Village computer equipment.
- 4.7 Unauthorized downloads or software from internet, and e-mail shall not be installed or run on Village computer equipment;
- 4.8 Employees may not make copies of Village-owned or leased software for outside use.

- 4.9 New software, demonstration version or updates to existing software should not be added to computers by employees. This includes Windows updates or pop-up requests for installation of Video players or other proprietary software. Only the systems coordinator, department Director or designee thereof can perform the above.
- 4.10 Village of Ruidoso email addresses are prohibited from being used for any type of personal use. These uses include but are not limited to:
 - 1.1 On Line Shopping
 - 1.2 Auction Sites
 - 1.3 Contest Entries
 - 1.4 Any site that might distribute your email address
- 4.11 Virus detection ~Viruses can cause substantial damage to computer systems. Each user is responsible for taking reasonable precautions to avoid introducing viruses into Village of Ruidoso's network. To that end, all material received on floppy disk or other magnetic or optical media and all material downloaded from the Internet or from computers or networks that do not belong to Village of Ruidoso MUST be scanned for viruses and other destructive programs before being placed onto our computer system. Users should understand that their home computers and laptops might contain viruses. All disks transferred from these computers to Village of Ruidoso's network MUST be scanned for viruses.
- 4.12 Compliance with applicable laws and licenses. In their use of the computer system, users must comply with all software licenses; copyrights; and all other state, federal, and international laws governing intellectual property and online activities.
- 4.13 Wasting computer resources by, among other things, sending personal or spam type mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, engaging in the personal use of instant messages, printing multiple copies of documents, or otherwise creating unnecessary network traffic is prohibited.

E-mail, Internet, Voice Mail Policy

The E-mail, Internet, and Voice mail systems are part of the Village of Ruidoso' business equipment and shall be used for Village purposes only. Electronic communications are not secure, even with the use of a personal access code or password and even after they are deleted.

- 1. The Village provides Internet access, E-mail (electronic mail) and voice mail to employees for their use to transact Village business.
- 2. Time spent on Personal Internet Activity or E-mail messages shall be confined to time periods which are not part of the employee's paid work hours and must be authorized in writing.
- 3. The Village recognizes that employees have substantial interest in, and reasonable expectations to, privacy with regard to the E-mail messages they send or receive.
- 4. The Village reserves the right to access and disclose the contents of E-mail messages, but will do so only when it has a legitimate business need, or when the urgency of the need is sufficiently strong to offset the Village's commitment to honor the employee's interest in privacy.

5. Employees that access the internet must be aware that the hardware and software utilized for the internet access has the ability to log all of the Village internet activity, including linked sites.
6. The Village may choose to restrict access to various internet sites. Absent specific blocking of a site, employees are expected to refrain from accessing sites which would be considered offensive by community standards, except where such access is necessary for the execution of Village business.
7. Participation in online chat rooms or instant messages for personal use is prohibited.
8. Employees are expected to refrain from sending, or encouraging the receipt of messages for which the content would be considered offensive by community standards, except where such messages are necessary for the execution of Village business.
9. E-mail, internet or voice mail messages shall not be created or sent that may be derogatory, defamatory, or obscene or otherwise inappropriate, or that may constitute verbal abuse, slander, or defamation of employees, customers, citizens, vendors or any other person or entity.
10. E-mail, internet or voice mail messages shall not be created or sent that constitutes intimidating, hostile or offensive material based on race, national origin, marital status, sex, age, ancestry, physical or mental disability or serious medical condition, disability, religious or political beliefs or any other characteristics protected by federal, state, local law, or Village policy.
11. In case of termination or extended absence, work-related e-mail messages may be forwarded to the most appropriate employee.
12. Nothing in this policy shall prohibit law enforcement officials from examining any internet usage or e-mail messages in the course of any ongoing investigation of civil or criminal activity.
13. The Village will not monitor Internet Activity or E-mail messages as a routine matter. There may be a need, however, for the Village to occasionally review E-mail content for a specific reason.

Disciplinary Action

Violation of this policy will subject the offender to discipline, pursuant to the procedures in the Village's Personnel Manual, up to and including termination.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-mail - LorriMcknight@voruidoso.com

Manager Directive: Service Credit Pay

Number: MSOP 00-03

Effective Date: November 1, 2005
July 1, 2000

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

Purpose:

The Village of Ruidoso is committed to its employees and has laid out a policy by which classified employees will receive a five percent increase each fifth consecutive year with the Village of Ruidoso.

Policy:

Service credits are given only for continuous service. Any break in service will require an employee to start over in the service time counted. A break in service means any time an employee terminates with the Village and is then re-hired.

Temporary time worked for the Village is not considered time in service for calculating the service credits.

Service credit pay is allocated on the next pay period beginning after the employee has reached his/her fifth year of continuous service with the Village. Service credit pay is allocated as stated for the fifth, tenth, fifteenth, twentieth, etc.

Service credit pay shall be five percent added on to the employee's current rate of pay.

The positions of Patrol Officer, Corporal, Sergeant, CID, and Lieutenant in the Police department are eligible for automatic increases based on the certifications obtained through the State of NM. Therefore, these positions are not eligible for service credit increases until after reaching the maximum certification offered by the New Mexico Law Enforcement Academy (NMLEA). Service credit will be counted starting from date the employee has reached the maximum increase for that

position.

1. For Patrol and Corporal, the service credit increase of five percent will be five years from the date the employee receives the increase for the certification of Mid Management.
2. For Sergeant and CID, the service credit increase of five percent will be five years from the date the employee receives the increase for the certification of Command.
3. For Lieutenant, the service credit increase of five percent will be five years from the date the employee receives the increase for the certification of Executive.

The positions of Fire Fighter, Fire Lieutenant, Fire Captain, and Assistant Chief are eligible for automatic increases based on the hours of training, therefore, these positions are not eligible for service credit increases.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcKnight@voruidoso.com

Manager Directive: Sexual and Other Forms of Prohibited Harassment

Number: MSOP 99-04.01

Effective Date: March 17, 2003

Signed: Original signed by Manager and is filed in the Executive Secretary's Office

Lorri McKnight, Manager

Purpose:

Sexual harassment and other forms of unlawful harassment are contrary to basic standards of conduct between individuals and are prohibited by the Equal Employment Opportunity Commission and State regulations. Any employee who engages in any such behavior will be subject to corrective action up to and including termination of employment. Because the Village's strong disapproval of such inappropriate or offensive behavior, all employees must avoid any action, conduct, or behavior which could be viewed as sexual or other forms of prohibited harassment.

Sexual Harassment Defined:

One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature condition constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of and individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of harassing conduct includes but are not limited to:

- (1) Unwelcome sexual flirtation or propositions, epithets, including remarks about physical

attributes, slurs, negative stereotyping, threatening/intimidating/hostile acts that relate to sex, pranks/jokes that are hostile or demeaning with regard to sex;

- (2) Written or graphic material including pictures and cartoons, that denigrates or shows hostility or aversion toward an individual or group because of sex and that are displayed on walls, bulletin boards, equipment, or other locations on the employer's premises or circulated in the workplace;
- (3) Lewd, profane, demeaning or indecent language, conversation, comments or acts, including off color jokes, which are audible to the general public, customers, co-workers, or persons who find that language, conversation, or comment offensive; and
- (4) Touching, sexually suggestive gestures, or discussion of sexual activities.

Other forms of Prohibited Harassment:

Harassment of employees on the basis of race, gender, religion, color, national origin, age, disability, or any other characteristic protected by law is also prohibited. Slurs, jokes, offensive or derogatory comments, or other verbal or physical conduct based on these characteristics could be unlawful if the conduct creates an intimidating hostile, or offensive working environment, or unreasonably interferes with the individual's work performance. Slurs, epithets, offensive jokes, and derogatory comments have no place in the work place. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

Harassment via Electronic Means:

This MSOP also prohibits sending, showing, sharing, or distributing any form, inappropriate jokes, pictures, stories etc. via facsimile, INTERNET, voice mail, or other electronic means.

Procedure:

Harassment is specifically prohibited as unlawful and as a violation of this MSOP. The Village of Ruidoso management at the department level is responsible for training, for preventing harassment in the workplace, for taking immediate corrective action to stop harassment in the workplace, and under the authority of the EEO Officer, for promptly investigating allegations of work-related harassment complaints. Under no circumstances will the alleged offender be in any authority concerning the investigation. The Village of Ruidoso Human Resource Director is the Village of Ruidoso EEO Officer. In the MSOP, where it states EEO officer or Human Resource Director, it is the same.

Scope of Coverage of MSOP:

This MSOP applies to all Village employees, citizens, vendors, and visitors to the workplace. All Village employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, vendors, and citizens. Employees are also required to refrain from prohibited harassment of citizens, employees, and vendors.

Reporting:

It is important for employees to report incidents of harassment to prevent violations from going undetected. An employee who feels he or she has been harassed may, but is not required to, talk with the offender to make it clear that the conduct is unwelcome. Any employee who feels that her or she has been subjected to unlawful harassment, or who observes prohibited harassment in the work place, must report it *immediately* to his or her Department Director. If for any reason the employee does not feel comfortable discussing the matter with the Department Director, or if the Department Director has not been able to resolve the matter satisfactorily, the employee may contact the Village's Human Resource Director. If the accusations are made to any other person, such as a co-worker or Department Director, the matter must be immediately referred to the Human Resource Director, or his/her designee.

No Retaliation:

No retaliation will be permitted against employees who have a good faith charge or report of prohibited harassment.

Confidentiality:

All reports of prohibited harassment will be investigated in as confidential a manner as possible. An employee who has files a complaint will be instructed not to discuss the details of the incident(s) with anyone other than the complaint investigator, with the investigation is pending. The employee may discuss the incident with an attorney, if retained, or a family member. These restrictions shall also apply to an employee against whom the complaint has been filed, as well as those who may have witnessed the incident(s). All employees are required to cooperate with the investigation.

Investigation:

Allegations of harassment will be taken very seriously and quickly investigated.

To the fullest extent possible under law, the alleged victim/complainant's confidentiality and that of any witnesses and the alleged offender will be protected against unnecessary disclosure.

After receipt and initial review of the complaint, the Human Resource Director shall determine who shall perform the investigation (the Department Director, Human Resource Director, or an investigation team). The investigator(s) shall give the complainant an estimate of how long the investigation should take. Should circumstances arise that prevent the investigation from being completed during the aforementioned estimate of time, the investigator(s) shall notify complainant of a revised time estimate.

The results/conclusion of the investigation will be communicated to the person bringing the complaint and the alleged offender and will be documented in writing. If the investigation shows a violation of this MSOP has occurred, management shall take immediate and appropriate corrective action.

If the allegations of harassment are sufficiently serious, the employee may be reassigned or placed on administrative leave with pay pending completion of the investigation.

A complainant may withdraw a complaint at any time. However, the Village may still pursue an investigation to determine whether disciplinary action is warranted wither on the basis of a validated complaint or falsification of a complaint.

Notice to Complainant:

The Human Resource Director shall notify the complainant of the findings of the investigation, and shall follow up, if necessary, on periodic basis.

Consequences:

Upon conclusion of the investigation, the Human Resource Director shall meet with the Department Director to discuss the findings and determine appropriate action, if any.

Where the investigation substantiates an allegation of prohibited conduct, appropriate measures will be taken to remedy violations of this MSOP. Discipline, up to and including termination, will be imposed upon any employee who is found to have engaged in conduct prohibited by this MSOP. The Village reserves the right to terminate an employee without following progressive discipline.

VILLAGE OF RUIDOSO

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive Ruidoso, New Mexico 88345

Phone: 505-258-4343 Fax: 505-258-5361 E-Mail: LorriMcKnight@vuruidoso.com

Manager Directive: Shift Differential

Number: MSOP 99-05

Effective Date: October 24, 1999
November 1, 2005

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

Purpose:

The Village of Ruidoso recognizes that some departments are operating 24 hours a day with employees working on different shifts during the 24 hour period. Shift differential is payment to employees who work difficult and unpopular shifts for the Village of Ruidoso.

Policy:

It shall be the policy of the Village of Ruidoso to pay eligible employees a premium for working grave and split shifts. The premium payment shall be in the added to the hourly wage.

Procedure:

- A. Different shifts shall have different premium payment amounts ranging from .20 to .40 per hour added to the regular hourly salary.
- B. Eligible shifts are commonly called swings and graves.
 - 1. Swing shift begins between 1:45 p.m. - 7:44 p.m.
 - 2. Grave shift begins between 7:45 p.m. - 3:30 a.m.
- C. Shift differential will not be paid for schedules beginning between 3:31 a.m. - 1:44 p.m.
- D. Shift differential will be paid to an employee only when the employee is scheduled to work the qualified shift for 30 days or more.
- E. It is the Department Director's responsibility to complete a Personnel Action Notice to initiate the change in the hourly wage. Shift differential will not be paid without a completed PAN filled out with the correct information including hourly rate, and a copy of the schedule showing the employee's schedule of 30 days or more.
- F. An example of the wages and begin and end times for the three different shifts:

No increase for Day shift:

5:45 am - 2:00 pm
6:00 am - 2:30 pm
7:00 am - 5:00 pm
8:00 am - 6:00 pm
11:00 am - 9:00 pm
1:30 pm - 10:00 pm

Increase of **.40** an hour for **Grave** shift

3:00 a.m. - 1:30 pm
7:45 p.m. - 6:00 am
9:00 p.m. - 7:00 am
9:45 p.m. - 6:00 am

Increase of **.20** an hour for **Swing** shift:

1:45 pm - 10:00 pm
3:45 pm - 2:00 am
6:00 pm - 2:30 pm

These are not the only begin and end times allowed, these are just examples of Day, Swing, and Grave schedules.

VILLAGE OF RUIDOSO

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive Ruidoso, New Mexico 88345

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Manager Directive: Sick Leave Buy Back

Number: MSOP 00-04

Effective Date: November 1, 2005
July 1, 2000

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

Purpose:

Sick leave is intended to be used for employees and certain family members who are genuinely sick or have a doctor's appointment. Sick leave is not intended to be used as vacation or for slight indispositions that do not keep the employee from doing his or her job. The buy back policy is to encourage employees to not use their sick leave for purposes other than stated in the Personnel Manual.

Policy:

It shall be the policy of the Village of Ruidoso to offer to pay eligible employees for sick leave at certain periods of the year. The payments shall be called a "sick leave buy back." This "buy back" shall be a two for one. During the buy back period, the employee can choose to be paid one hour for every two hours of sick leave over 520 hours (689 hours for 24 on/48 off firefighters). The 520 or 689 is approximately twelve weeks. The buy back period shall be in April and October unless another time is specified by the Manager.

Procedure:

- A. The Personnel Manual explains what sick leave is and when it is to be used.
- B. Eligible employees are those employees who have a balance of at least 520 (689) sick leave hours on the pay period prior to the buy back period and are not currently on sick leave. Employees who have submitted their resignation notice to the Department Director by the date the buy back is paid, shall not be eligible for the buy back.
- C. Prior to the buy back period, the Human Resource Office will send out notices announcing when the buy back period will take place and the deadline for submitting the request to participate. The eligible employee wishing to take advantage of the buy back is responsible for notifying the Human Resource Office, filling out the proper paperwork, and submitting the

proper paperwork by the deadline.

D. Employees can sell any amount over 520 (689) hours.

Example 1: The employee has 580 hours of sick leave balance. The employee decides to sell 40 hours. The employee will be paid for 20 hours and the sick leave balance will be lowered to 540. This is $580 - 40 = 540$ hours.
 $40\text{hours} / 2$ (2 for 1) = 20 hours of buy back paid to the employee.

Example 2: The employee has 580 hours of sick leave balance. The employee decides to sell 60 hours. The employee will be paid for 30 hours and the sick leave balance will be lowered to 520. This is $580 - 60 = 520$.
 $60\text{hours} / 2$ (2 for 1) = 30 hours of buy back paid to the employee.

E. Employees are not obligated to participate in the buy back.

F. Employees cannot sell any sick leave at any time other than during the buy back period.

VILLAGE OF RUIDOSO

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive Ruidoso, New Mexico 88345

Phone: 505-258-4343 Fax: 505-258-5361 E-Mail: LorriMcKnight@voruidoso.com

Manager Directive: Sick Leave Voluntary Donation

Number MSOP 00-05.1

Effective Date: November 1, 2005
November 13, 2001

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

Purpose:

Sick leave is intended to be used for genuine sickness, injury, or doctor's appointment. Sick leave is not intended to be used as vacation or for slight indispositions that do not keep the employee from doing his or her job. Sick leave should not be used frivolously by the employee. However, the Village of Ruidoso realizes that major illnesses or injuries can cause an employee to use up sick leave in one round of recuperating or when needed to be the primary care taker for his or her child, spouse, or parent during a major illness or injury. The Village of Ruidoso realizes that some employees may want to help co-workers during this convalesce period.

Policy:

When an employee has used all his/her paid leave (sick, comp, vacation) and is still out of work due to the employee's off the job illness or injury or due to the employee needing to be the primary care taker of his or her child, spouse, or parent due to an illness or injury, the employee can, on a voluntary basis, in writing to the Manager, request sick leave donations from the employees of the Village of Ruidoso.

Any eligible FMLA leave runs concurrent with any donated paid sick leave.

Procedure:

- A. Eligible employee is the employee who:
1. is not able to work due to a personal injury or illness (not worker's comp) for an extended period time; or is not able to work due to a personal injury or illness of the employee's spouse, child, or parent and the employee is to be the primary care taker for an extended period time;
 2. has used all his/her paid time (sick, vacation, comp) and will still be out of work for forty hours or longer;

3. is eligible for FMLA or personal leave;
 4. has requested in writing, a request for sick leave donations. This written request shall contain;
 - a) approval for his/her attendance records to be made public to those employees who are thinking about donating sick leave time (the attendance record does not show reasons why the employee has taken off, it just shows when the employee has taken off),
 - b) the attending physician's written reasons as to why the time off from work is needed and the estimated length time off; and
 - c) the Manager's approval of the request.
- B. Once approved, the Human Resource Office will send out requests for sick leave donations for that particular employee. If time allows, the notice of the request will be sent with the next pay check.
- C. Employees who have over 120 hours can, on a strictly voluntary basis, donate any amount up to ten percent as long as that employee does not fall below 120 hours.
- D. Donations will be strictly confidential. Employees wishing to donate will come to the Human Resource Office and request a voluntary donation form.
- E. The employee requesting donations shall not be permitted to know who has donated time or how much time has been donated.
- F. Donated time will not be used retroactive. This means it cannot be used for any back pay to an employee.

Voluntary Donation of Sick Leave

Print employee name wishing to donate

HR dept: Initial and note date and time of receipt

I have a sick leave balance of _____ hours. I wish to donate _____ sick leave hours to _____.

I understand that:

this is strictly voluntary on my part and that no one is forcing me to or demanding that I donate any of my sick leave time to the named employee.

I can donate any amount up to ten percent of my sick leave balance as long as I maintain my sick leave balance at 120 hours.

the donated hours will be deleted from my balance and will be given to the employee named.

once the time is donated and used for this employee, I cannot get these sick leave hours back.

by donating sick leave hours to the named employee, it will not in any way obligate the named employee to donate time to me if I am ever in a position where I request sick leave donations.

this donation is to be kept confidential.

Employee Signature

Memorandum

DATE: October 20, 2003

TO: Deborah Rogge, HR Director

THROUGH:

CC: Lorri Mcknight, Manager

FROM:

SUBJECT: Request for Donated Sick Leave

As of this current payroll, I do not have any vacation or sick leave balance. I have had a personal injury or illness and will need to be out of work for approximately_____. I am requesting donated sick leave from the employees.

I give my approval for my attendance records to be made public to those employees who are thinking about donating sick leave time (the attendance record does not show reasons why the employee has taken off, it just shows when the employee has taken off).

I have attached the attending physician's written reasons as to why the time off from work is needed and the estimated length time off.

I respectfully ask for your approval of this request.

To the HR Department:

Date: _____

Village Manager Approval: _____

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcKnight@voruidoso.com

Manager Directive: Village Vehicle Usage

Number: MSOP- 03-02.1

Effective Date: September 13, 2004

Signed: Signed Original in Executive Office

Lorri McKnight, Manager

Purpose:

The Village of Ruidoso provides Village owned vehicles as required for the efficient operation of Village business. The Village understands that certain standards must be enforced and followed for safe and efficient fleet operation. Also, In order to deliver quality municipal services, at times, it may be beneficial to require an employee to take home a Village vehicle.

Policy:

It shall be the policy of the Village of Ruidoso to maintain general procedures for all employees to follow when Village vehicle usage is permitted. Also, the Village shall permit authorized employees to take home a Village vehicle according to the following procedures. Village vehicles shall not be for personal use and non employees shall not be allowed to ride except as determined by and as authorized by the Village Manager. Any departmental policy cannot be in conflict with this policy.

Procedure:

A. Who can take home a vehicle?

1. Employees who live within the Village of Ruidoso or within a three mile radius of the Village limits are eligible to take home a Village vehicle. Employees who reside outside the three mile radius of the Village of Ruidoso are not eligible to take a Village owned vehicle home except;
2. Emergency vehicles - which are defined by Federal regulations (Police and Fire department only) and as approved in writing by the Chief of the department and the Manager.
3. Other vehicles on a case by case situation as approved in writing by the Manager.
4. Each Department Director shall submit a written list of employees who take home Village vehicles and where each employee lives. This list is subject to the approval of the Manager. Department Directors shall also submit any updates as they occur during

the year. These updates are also subject to the approval of the Manager.

- a.) Employees shall also be required to sign an *Employee Take Home Vehicle Agreement*.
- b.) The Department Director or designee shall personally review this policy, the Employee Take Home Agreement, and any departmental vehicle policy with the employee.

- B. Each operator of a Village-owned vehicle must possess a valid and properly classed New Mexico driver's license for the vehicle being operated.
- C. Non-insurable employee:
An employee deemed non-insurable under the New Mexico Self Insurers Fund (NMSIF) will not be allowed to drive a Village vehicle. Based upon the position the employee holds, an employee may be subject to dismissal from employment.
- D. Assigned Vehicles:
Some employees who regularly use Village vehicles may be assigned specific vehicles. However, during business hours when the vehicle is not in use, it shall be made available to other Village employees who may require the use of it.
- E. Emergencies:
In an bonafide emergency, when transportation is not available, the Department Director may request that the called out employee be transported by another Village vehicle.
- F. Vehicle Safety:
 - 1. When operating a Village-owned vehicle, an employee shall strictly adhere to the safety manual, posted speed limits, and other motor vehicle and traffic regulations. Vehicles shall be operated in a safe and responsible manner appropriate to road, traffic, and weather conditions, with special regard to driving courtesy. It is the responsibility of the Department Director to ensure that all drivers receive DDC or a related equivalent every two years.
 - 2. All employees operating Village vehicles shall exercise due regard for the safety of all persons; protection of life is paramount. Employees shall drive defensively at all times. No job, task, call, or incident justifies disregard of public safety and traffic laws. Further, Village drivers are expected to demonstrate exemplary driving behavior.
- G. Maintenance of Vehicle:
 - 1. Maintenance, repair, upkeep, and vehicle inspections of the assigned vehicle is the primary responsibility of the employee to whom the vehicle is assigned.
 - 2. If the vehicle is not specifically assigned to any one employee, it is the Department Director's (or designee's) responsibility to assure that the maintenance, repair, upkeep, and inspections are performed.
 - 3. Except for those exempt by management, all Village vehicles are to be identified with approved Village emblems. These emblems are to be placed appropriately on the vehicle.

- H. Abuse or misuse of a Village-owned vehicle:
An employee who abuses or misuses a Village vehicle may lose the privilege of assignment or operation of the Village-owned vehicle and possible dismissal from Village employment.
- I. Passengers:
1. Non-employees, including family members or friends, are not permitted to ride in or operate a Village vehicle.
 2. Non-employees conducting Village business may at times ride in a Village owned vehicle with the approval of the Department Director or Manager.
 3. Non-employees are not permitted to operate a Village vehicle.
- J. Personal use of a Village owned vehicle:
1. A Village owned vehicle is not to be used for personal use. These vehicles are to be used to transport an employee to and from work and to conduct related business.
 2. Use of a Village vehicle other than for work related business is strictly prohibited unless otherwise approved in writing by the Village Manager.
 3. However, if needed and “within reason,” an employee is permitted to stop at a store or cleaners etc on his/her way to or from the work site. An example of “within reason” would be: An employee leaves work and drives by the grocery store on his way home from work. It would be appropriate to stop at the store for groceries. It would not be appropriate to drive the Village vehicle home, then drive the Village vehicle back to the grocery store. If an employee is not sure of what is “within reason,” the employee is responsible for asking the Department Director for approval.
 4. No open alcoholic containers are permitted in a Village vehicle with the exception of evidence materials.
 5. No unopened alcoholic containers are permitted unless approved by the Manager for Village sponsored activities.
- K. Departmental Procedures:
1. This policy is the general guideline. Departments who use vehicles and allow take home vehicles may develop departmental policies.
 2. A Departmental policy cannot be in conflict with this policy.
 3. The Departmental policy is subject to the approval of the Manager and will be submitted to the Human Resource Office once approved.
- L. Federal Benefit Tax:
- The Federal Government has determined that taking home a vehicle is considered a benefit to the employee. According to the Federal Government, it does not matter why an employee takes home a vehicle, it is still considered a benefit and therefore this benefit tax applies. An employee who takes home a vehicle, for any reason, (except for police and fire vehicles), is required to pay tax on an amount equivalent to \$3.00 for each day the vehicle is taken home. ***However, it is noted that if the Federal government changes the \$3.00 the Village will use the new amount for taxing purposes.*** The number of days a vehicle is taken home is to be entered on the employee’s time sheet (days off are not counted). The Federal Government has determined that Police and Fire departments emergency vehicles are exempt from this law. Also, it specifically says that just because a vehicle has lights on it, does not make it an exempt

emergency vehicle. This means that only the police vehicles in department 40 and the Fire vehicles in department 50 are considered exempt. All other take home vehicles fall under this taxable benefit.

Village of Ruidoso

Lorri McKnight, Manager

Manager Standard Operating Procedure

313 Cree Meadows Drive · Ruidoso, New Mexico 88345

Phone: 505-258-4343 · Fax: 505-258-5361 · E-Mail: LorriMcKnight@vuruidoso.com

Manager Directive: Workplace Violence Policy

Number: MSOP 03-03

Effective Date: 4-14-2003

Signed: Signed Original in Executive Office
Lorri McKnight, Manager

Purpose:

The Village of Ruidoso is committed to providing a safe workplace free of violence or threats of violence to its employees, customers, and others present on Village property or in the Village workplace. Reasonable effort will be made by the Village of Ruidoso to accomplish a violence free workplace for the employees, customers, and others present in the work area.

Policy:

The Village of Ruidoso maintains a zero-tolerance policy towards violence in the workplace. Violent behavior is inappropriate in the workplace, whether it is on the part of employees, customers, or others present in the workplace, and it will not be tolerated. Furthermore, the possession, use, or threat of use of a weapon is prohibited in the workplace by employees.

Definitions:

Employee: All classified and unclassified employees, elected officials of the Village, and volunteers.

Threat Management Team: May include the Manager or Deputy Manager who is not investigating or responding to the violence report, the Police Department, the Department Director of the affected department, outside legal assistance, as well as other Department Directors or outside agencies who may be able to provide assistance on the matter.

Prohibited Weapon: Any instrument capable of producing bodily harm in a manner under circumstances and at a time and place that manifests an intent to harm or intimidate another person, or that warrants alarm for the safety of other(s). This may include but is in no way limited to any type of firearm, knife, metal knuckles, explosives. It is noted that weapons or potential weapons are not prohibited when they are necessary, approved by the department, and are used in the line of duty. Items such as or similar to eating utensil knives, small pocket knives, box openers, mace, pepper spray

can be appropriate to use or have on the job or for in the case of mace or pepper spray can be used for personal defense, however, if something is used to produce bodily harm and/or intimidate outside the scope of one's job duties, it becomes a prohibited weapon.

Workplace: All Village owned or leased property, including vehicles and equipment, and any other property where work is being performed by village employees in an official capacity for the Village.

Workplace Violence: Any act of written, verbal, or physical aggression that occurs in the workplace intended to physically harm an individual, or that could cause a reasonable person to be in fear of imminent physical harm, or cause intimidation to another person. It also includes intentional non authorized destruction or abuse of property.

Procedure for Reporting:

Non-emergency: If an individual is not violent and no immediate threat is present but the individual is acting in a suspicious, hostile, or aggressive manner, you need to:

- Notify supervisor,
- Keep distance between yourself and the individual,
- Become aware of escape routes,
- Be ready to summon the police if the situation escalates to a situation where you believe police presence is needed.
- Supervisor if available, if not, you are to call the Police Department non-emergency # to report events which are not life threatening but involve suspicious activity.

Emergency: If it is reasonable to believe that an individual is acting in a manner that is of immediate threat to an employee or others, you need to:

- Seek safety by leaving the area if possible,
- Call 911 - When reporting an emergency, provide the dispatcher with your name, location, specifics of the events, if known, give name of the violent individual. The dispatcher may ask you to stay on the line unless your personal safety dictates otherwise.
- DO NOT ATTEMPT TO CONTROL A VIOLENT INDIVIDUAL YOURSELF, let the Police handle that.

Once you are out of danger, notify your supervisor immediately, call the Human Resource Department to report the incident. Even though you verbally notify the HR Department, you are still required to follow up with a written memorandum. Although reasonable effort will be made to keep written memorandums, reports, and records confidential, they may be subject to disclosure depending on the situation.

For those cases where it appears that criminal activity may be involved, no employee or supervisory authority shall take any action that would jeopardize the outcome of any investigation. Do not alter anything at the scene of the violent incident until the police authorize it.

False Reports: Allegations and/or reports of workplace violence will be taken seriously. If you

intentionally make false reports, you will be subject to disciplinary action up to and including termination.

Investigation and Resolution:

- The HR Director and Manager or Deputy Manager whose department is affected, will receive, evaluate, and respond to reports of workplace violence with the assistance of the Threat Management Team.
- Privacy rights will be observed in the event of the need to investigate workplace violence incidents. Only those individual with a clear need to know of the potential risk will be notified. Anonymity of employees reporting violence or threats will be maintained during the investigation to the extent possible by those investigating the complaint. However, there is no guarantee of anonymity since it is often necessary to make the individual, against whom the allegation was made, aware of the complaint in order to ascertain the facts.

Retaliation:

There will be no retaliation and/or reprisal against an employee who genuinely reports threats of workplace violence in good faith. Any employee of the Village who engages in or assists in such retaliatory actions will be subject to disciplinary action up to and including termination.

Consequence of Violation of this Policy:

Employees who violate this policy will be subject to disciplinary action up to and including termination. Engaging in workplace violence may also result in criminal prosecution.